

CHAPTER 10

EDUCATION AND INTERVENTION

"School and family, it can be argued, are two of the most important cultural forces in society. Teachers and parents, more than any others, help us to shape who we are. They show us how to solve problems, how to relate to others; they confirm our worth and help us formulate our values."¹

10.1 This Chapter examines the extent to which our schools support young people and their families throughout their educational and social development. Schools, as agencies of stability and support, occupy a central place in our community and should constitute the frontline of any strategy to assist young people and families. However, schools are under enormous pressure to respond to a myriad of social issues, while satisfying economic realities concerned with managing budgets. There is evidence that many schools are struggling to provide an adequate level of education and to improve the life chances of many children, due to the demands of economic efficiency.

10.2 The role of the Commonwealth and State/Territory governments, in providing schools with the necessary programs and resources to create educational environments which support young people, both at risk of leaving home and those who are homeless, is critical. The extent to which schools are able to support these young people has an important impact on their future homeless status and the extent to which they are able to take part in community life. Schools must be integrated into the network of community services and support

¹ J Smith, *Young homeless people and education*, unpublished paper, 1994, p 1.

structures and schools and teachers must be better assisted to undertake this task.

10.3 The central place of schools, in identifying how best to develop preventive approaches to homelessness, was reiterated frequently during the Inquiry. It is argued that schools now form, for many children, the only significant 'constant' in their lives.

10.4 The Report of the National Inquiry into Homeless Children asked the fundamental question:

"Is it realistic to expect our schools to take a role in assisting children experiencing difficulties at home and/or at school, in trying to avert homelessness? In our view it is - and it is essential. Outside the family, the school has the greatest contact with our children of all social institutions."²

10.5 In his evidence to this Inquiry, the Human Rights Commissioner, Mr Brian Burdekin reiterated the need for schools to take on such a role in preventing the cycle of homelessness. He commented:

"... educational institutions... are a critical factor if we are serious, as we must be, about meeting the needs of young people who are at risk of becoming homeless. In my experience, if a family is disintegrating, has disintegrated or has become severely dysfunctional... if that young person's plight is not picked up at school, it will not be picked up elsewhere." (B Burdekin: Transcript of evidence, p 2269)

² B Burdekin, et al., Human Rights and Equal Opportunity Commission, *Our Homeless Children*, Report of the National Inquiry into Homeless Children, AGPS, Canberra, 1989, p 273.

10.6 Recent research conducted by Mr David MacKenzie and Dr Chris Chamberlain and detailed in Chapter 2, stresses the importance of schools as primary sites for early intervention in preventing long term homelessness. Overall, a substantial body of evidence received by the Committee advocated strongly for schools to be better resourced to respond to the needs of young people and families.

A Right to Education

10.7 Many homeless young people find the process of staying in school almost impossible and many very young people find themselves in refuges after their schooling has broken down. It was generally acknowledged, by youth workers, that refuges were not suitable places for young adolescents, especially if they were still at school or needed to be placed in school. A young women's refuge worker commented:

"We had a 13 year old recently for six weeks. She was already out of school. The ones that are in school and want to stay in school, we try very quickly to get out of the refuge, because we know it is not a good environment for them. So, we put a lot of pressure on getting the young people out." (Karinya Young Womyn's Refuge Inc: Transcript of evidence, p 1741)

10.8 However, many services are thwarted in their attempts to assist young people re-enter school. This is due to the lack of alternative education facilities, or the refusal of schools to accept young people who may require considerable assistance in settling into the traditional school environment.

10.9 One of the other major barriers to education is the lack of alternative education programs for young people under the age of 16, who are homeless and have left school before completing grade 10, or earlier, for a variety of reasons.

10.10 A witness for The Mission to the Streets and Lanes told the Committee that of the 150 young people aged 12 to 16 years, which is the dominant client group of the service, almost all these children were not in school and had very little chance of getting back into school and succeeding.

"The school system cannot provide the resources that are necessary to integrate these kids into the schools and we cannot seem to get access to special programs or funds to run special programs to make that happen." (Anglican Mission to the Streets and Lanes: Transcript of evidence, p 287)

10.11 The Mission's evidence supported the Committee's concern that many of these young people under school leaving age were out of home, and not receiving income support payments for relevant education and training, because they did not age qualify.

"So we are dealing with 14-year-olds that are probably going to be in limbo for two years before they start to qualify for the services that the Commonwealth provides through DEET for the retraining of unemployed people."

"These people are not in school; they have not been unemployed long enough to qualify; and they have not at this stage even got normal access to income security payments. I think the whole nation is suffering as a result of those young people being in limbo. We can discover almost no programs funded anywhere in the states or Commonwealth that do the things that need to be done with those young people during the day to bridge the gap that exists for them." (Anglican Mission to the Streets and Lanes: Transcript of evidence, pp 287-288)

10.12 The Committee heard disturbing evidence from Professor Robert Kosky, a Child and Adolescent Psychiatrist, about the

inability of some young people to make the transition from primary to secondary school. He said:

"We have looked at young people who have been held in detention centres in Adelaide and we have found that... 80 per cent of these young people who were in detention centres at 15 years old had left school prior to entering high school. That is, they had failed in the bridge from primary to high school... Yet the particular group we looked at were people who had files, usually very thick, in the departments of corrections and community welfare services." (Professor Kosky: Transcript of evidence, pp 2727-2728)

10.13 Several witnesses reported that schools frequently referred school age children to welfare services following their expulsion. As there are so few alternative education or training programs for these young people, such referrals impose impossible expectations on community based organisations and their limited resources. When discussing the options for young people once they had been expelled from school, a youth worker from Penrith commented:

"Under 15 there is not any. I had one young person suspended from school for two months at 12 year[s] of age. There was nowhere that I could put him to keep him in the education system or even keep him amused for the day." (Penrith Youth Services: Transcript of evidence, p 2411)

10.14 What is disturbing is that these same issues were clearly identified in the HREOC Report in 1989. In discussing the incidence of expulsion and suspension, the Report stated:

"The Inquiry was told that, far from catering for students at risk of becoming homeless, schools often 'cope' with difficult students by suspending and expelling them, propelling them into homelessness."³

³ B Burdekin, op.cit., p 272.

10.15 The Committee recommends that the current Commonwealth and State/Territory government Protocol for the Care and Support of Young People under 16 years, include an obligation by each State and Territory to provide appropriate education services. This obligation should include a requirement to report specifically on the educational requirements of young people at risk of abuse and/or neglect.

The Extent of Student Homelessness

10.16 Homelessness has long been identified as a major factor affecting a young person's ability to maintain an attachment to education and employment.

10.17 The findings of the HREOC Report identified the following barriers to education for homeless students:

- . the difficulty young homeless people have in continuing their schooling;
- . the difficulty young people under 16 years of age have with obtaining income support;
- . the lack of stable accommodation;
- . the stigma associated with being homeless and the lack of support from the school;
- . the education system's neglect of the needs and difficulties of children who are in unstable homes or detached from their families;

- . the high incidence of early school leaving by homeless young people resulting in significant levels of illiteracy within this group; and
- . the enormous difficulties homeless young people face in continuing and/or resuming school after leaving home.

10.18 In a recent project for the Salvation Army, which examined the relationship of education and youth homelessness, the following findings emerged after interviewing 104 young homeless people.

- . 43 per cent of the young people interviewed left school around the same time they left home;
- . a further 28 percent left school one or two years before they left home;
- . many of these young people were expelled as a result of their behaviours or for drug and alcohol abuse;
- . some of the young people had left school for a job which they have subsequently lost 3 to 6 months later and could not re-enter school;
- . 21 per cent were homeless before they left school - many of these were wards of the State and had experienced multiple placement breakdowns and changes of school; and
- . most had left school before grade 10.⁴

⁴ J Smith, op.cit., p 1.

10.19 While this close relationship between homelessness and education has been identified, it was not until the recent work done by MacKenzie and Chamberlain, that a clearer picture has emerged about the extent of homelessness amongst students and the capacity of schools to support young homeless people. Their research also provides insights into how schools can more successfully support young people to remain at school.

10.20 MacKenzie and Chamberlain carried out a national census of homeless students in the final week of May, 1994. In total, 1 948 Government and Catholic Secondary schools across all States and Territories were surveyed. Ninety-nine percent of all schools completed the census return, and there was uniform support from schools across the country. Some of the major findings of the census are as follows:

- . an estimated 11 000 to 11 500 students were homeless during the census week;
- . an estimated 25 000 to 30 000 school students are homeless in any one year in Australia;
- . it is estimated that, Australia wide, between 70 and 80 schools have some homeless students over the year;
- . most schools had fewer than 10 homeless students in census week;
- . about 17 per cent of the schools accounted for two-thirds of the homeless students in census week;
- . schools with larger numbers of homeless students averaged about 21. Many had 10, 15 or 20. But some schools had 50 and 60 and they occur in all States; and

the majority of these homeless students do not complete the education year - they drop out of education.

10.21 The Committee recognises the importance of prevention and early intervention in responding to youth homelessness. Some of the research provided to the Committee indicates that there is a strong link between limited educational opportunities and homelessness. There is a need to identify the reasons and the circumstances which contribute to young people not only leaving school early but also their failure to progress to secondary education.

10.22 Australia has made progress in increasing its education retention rate for year 10 to 98 per cent. (Based on 1993 Australian Bureau of Statistics Apparent Retention Rate). Yet amongst the homeless young people in these studies, a large percentage are not finishing year 10 and in some cases year 9. But there is a more alarming scenario which Smith points out in his recent paper:

"... 16% of the young people interviewed for the project left at the point of completing or shortly after primary school. Many of these young people were under the guardianship or protection of the State... they are victims of often severe and repeated physical and sexual abuse and their families are more likely to have been highly mobile or in crisis at the time they left school."⁵

10.23 The Committee recommends that the Commonwealth government, in conjunction with the States and Territories, report to the Parliament by the end of 1996 on:

- 1) the number of young people who fail to progress to secondary school;

⁵ *ibid.*, p 2.

- 2) the reasons why these young people fail to enter secondary education;
- 3) the number of young people who leave school before the compulsory school leaving age;
- 4) the reasons why these young people do not complete the years of compulsory schooling; and
- 5) the alternatives provided to young people of compulsory school age who are not attending school.

How Schools are Responding

10.24 There was a significant degree of support expressed in evidence that schools should become greater participants in supporting families and young people who are 'at risk'. However, the administrative and policy framework within the education portfolio makes this increasingly difficult.

10.25 Some of these inhibiting factors include:

- . greater autonomy for schools at a State level associated with funding formulae putting considerable pressure on schools;
- . schools who have student populations with a high percentage of disadvantaged young people such as: young people with challenging behaviours; homeless young people; and other high need groups, imposes additional costs on schools in order to meet these needs;

- . funding formulae give schools autonomy to decide on specialist staff, and as a result, many schools do not employ welfare coordinators and/or student support staff as part of their staffing profile;
- . a growing tendency for disruptive children to be excluded from schools;
- . a growing disparity between those schools which embrace a broad pastoral and student support approach and those who do not;
- . moves to narrowly focus education and exclude 'welfare' matters from the school's role;
- . by the age of 12 or 13, some young people having been dismissed by schools as 'hopeless' and incapable of assisting; and
- . by the time some young people reach high school they have such poor self-esteem that they are alienated from the school system.

10.26 During their field work, MacKenzie and Chamberlain commented on the different values and educational approaches evident in Australian schools:

"When you go into schools, some schools simply say it is not our responsibility. They do not do anything. In other schools, you will have a deputy principal who says, 'I will not allow this in my school.' I have been in schools that have quite serious problems but that basically do nothing - ... There are some schools where the head person or the principal will simply say, 'We are here to teach; we are not here as a welfare agency.' In those schools, the welfare staff are normally demoralised because they do not get support

from the top." (MacKenzie and Chamberlain: Transcript of evidence, p 2703)

10.27 While the Committee acknowledges the benefits of parental support to students within the education system, the degree of parental commitment and support varies and is not always provided.

10.28 There is considerable pressure on schools to provide education only to those students who conform to the established norm and who make limited demands on scarce resources. There are significant costs for those schools who seek to operate in a framework which includes meeting the needs of disadvantaged young people.

10.29 The Committee was told by a principal of a secondary college, which had a high percentage of homeless students, that it was becoming increasingly difficult for schools such as his to survive in the new environment with global budgets and current accountability and standards frameworks. He said:

"I now see it in terms of individual schools struggling for survival. The reason that I say that is that as schools write their codes of conduct for students, large numbers are taking three quantum steps to the right in terms of student behaviour expectations, in terms of uniform, and in terms of expectations of voluntary payments by parents. It is becoming very obvious." (Ardoch: Transcript of evidence, p 1118)

10.30 The principal commented that the pressure on schools to become viable in this environment, could mean decisions which would exclude many of its current clientele. Many of these disadvantaged students cannot compete in schools which have an increasing emphasis on academic and technological competence. He spoke of the trend within schools to expect and receive high parental support and participation. As a result, those schools with a strong parental support

base have grown in student numbers and resources, to the detriment of other schools who are unable to call on this level of community support.

10.31 This principal operated a school which had 252 registered students who were receiving AUSTUDY at the homeless rate, as well as some homeless students not receiving any benefits. The ability of schools with such a high need student population to meet standard funding formulae is severely restricted.

10.32 The schools with high numbers of homeless young people struggle to provide the support required by the students and put enormous pressure on staff. The work of MacKenzie and Chamberlain has confirmed that schools with high numbers of homeless students are barely able to cope.

"In the main these schools are overwhelmed by the size of the problem they have to deal with. Some become resigned and fatalistic, and do not believe that anything can be done. Others are undertaking a range of positive initiatives, but these schools will only become fully effective, if they are given additional resources."⁶

10.33 Many schools with high populations of homeless students are unable to be effective. Again MacKenzie and Chamberlain quoted the experience of a school they visited in census week that recorded six homeless students:

"When we visited the school eight weeks later, the counsellor did not know what had happened to them. He had not written their names down, and he could not remember who they were."⁷

⁶ D MacKenzie & C Chamberlain, *The National Census of Homeless School Students*, op.cit., p 23.

⁷ *ibid.*, p 20.

10.34 Some schools, in close partnership with the community, are running very successful projects which focus on the needs of homeless students. However, several of these projects have been defunded and are now struggling for survival. The Salvation Army commented on the importance of these projects, but also noted their passing:

"... there were some successful projects relating to homeless issues, difficult kids and the education system in Victoria, such as the Ardoch Windsor project and the Huntingdale project. They have been wiped off the map. What we do not really hear about is how many homeless people went into the secondary college mainstream system when the Ardoch Windsor project finished. In fact, it lost 60 per cent of the young people going there... But, generally speaking, education systems within Victoria are just trying to cope with recent cuts and seem to be - morale wise and resource wise - unable to meet with some of the after-school demands, although they want to. If the right resources were in place, it would not be so difficult to keep the young person at school." (Crossroads Housing and Support Network: Transcript of evidence, p 825)

State Government Responses

10.35 Given the terms of reference of this Inquiry, it is significant that several State governments did not include an Education department spokesperson among the witnesses to give evidence. This reflects a lack of understanding of the contribution that schools can make to reducing homelessness.

10.36 State governments outlined the extent of their educational commitments, including details of specialist support staff within schools, and programs to assist disadvantaged children. While some States seemed to have a well integrated family support system,

which included schools, there was no consistent national approach. At the basic level of employment of student counsellors and specialist support staff, there is no national standard or best practice in the area of student welfare and pastoral care. Overall, each State and Territory operates within their own framework, adopting different approaches and degrees of professionalism.

10.37 There was considerable criticism of State/Territory governments' lack of support for young people who exist on the margins or who were outside the formal education system.

10.38 A community worker in Toowoomba told the Committee about a new education program established by the State Family Services Department in Queensland for young offenders and young people at great risk. This alternative education program had considerable difficulty in getting support and resources from the education department in the regional area in order to function. The witness said:

"If we are going to see schools having a role to play in that, then they have to also be prepared to provide more support to those sort of programs. That particular program was not able to access, for example, a computer for use by those students. They had to turn to the community - to one of the local businesses - to get a computer donated. I think that if we are going to be serious about doing something for those young people within the school system, then the education department really has to look at more support for these sorts of programs." (Toowoomba and District Youth Service: Transcript of evidence, pp 2462-2463)

10.39 The Salvation Army expressed its concerns that, in the future, we are likely to see less, rather than more, support services in schools for families and young people due to the resource restrictions

and new funding arrangements instituted in schools. A spokesperson commented:

"As a Victorian there is no doubt in my mind what will happen. There will not be welfare coordinators. There will not be the sorts of non-classroom time student supports that are necessary for many young people to do so well at school. We are already seeing schools that have had a good history of a range of supports for young people to assist them through their education that have been withdrawn." (Salvation Army Australia: Transcript of evidence, p 811)

10.40 The issue of some young people being excluded from school was raised by several witnesses. A witness from the Samaritans Foundation commented:

"Most of the young people whom I see do not attend school. Most have left between year 7 and year 9... They are usually a distraction to the rest of the classroom. Quite often, they are asked to leave or they are not sought out if they do leave. So the majority of the young people whom I see have not gone any further than year 9 at school." (The Samaritans Foundation: Transcript of evidence, p 1014)

10.41 In recent times, this matter has also been identified by a Parents and Citizens Association. Recently a NSW PCA commented:

"School students across the country were being pressured into leaving education early by schools who did not want the responsibility of helping them with their problems..."⁸

10.42 The PCA identified a practice occurring in schools where children were asked to leave, believing they were being expelled

⁸ Press Release, AAP, 12 March 1995.

or suspended. In this way, schools avoided the formalities of expulsion and thus there was little accountability in this process. The spokesperson continued:

"There has been an alarming increase in the number of kids who are told 'you just don't belong here and so don't bother coming back' - we just find that an appalling situation... They tend to be kids with behaviour problems or learning difficulties or personal problems that make them difficult for the school to deal with them."⁹

10.43 Another witness also acknowledged that difficult behaviour exhibited by some of these young children imposed significant strain on schools and teachers.

"In my previous job, I was working with a 12-year-old who had documented evidence that he had been to 23 schools. The suspicion was closer to 30. A lot of the time, it was not the fault of the schools. His mother was moving around frequently. She was moving him from school to school. This young person had faced abuse at home. His mother was having intercourse with people in front of him in exchange for free drugs... It was not surprising that this young person could barely stay in a classroom for 10 minutes. We were running an alternative education program. We had about eight people in the class, but he could not last a day. A school just could not deal with a young person like that in a classroom with 30 young people." (The Samaritans Foundation: Transcript of evidence, pp 1014-1015)

10.44 The Committee recommends that in the auditing of the UN Convention on the Rights of the Child, an examination should be made about whether current practices within State/Territory education departments are excluding young people from school.

⁹ *ibid.*

10.45 The Committee recommends that the Commonwealth Government, in conjunction with State and Territory governments, provide a State by State summary of all the specific programs and educational facilities available for young people of school leaving age who are not able to participate in traditional forms of schooling.

10.46 The Committee recommends that State and Territory governments provide details of the number of young people under school leaving age who are involved in various forms of alternative education.

The Pastoral Care/Welfare Role of Schools

10.47 The Committee strongly supports the pastoral care role within schools and is concerned at attempts to define educational obligations too narrowly. However, broadening the pastoral role of schools requires additional resources and responsibilities which cannot merely be added to existing teaching responsibilities. Other departments and community based services which work with children and families should play a role in assisting schools with these tasks.

10.48 The extent of specialist support services available in schools across States and Territories is poor. The Committee tried to ascertain the number of counsellors in schools in States and Territories and their various roles and qualifications in order to establish a national picture. It was not possible, with the information available, to make any reasonable assessment. What can be said, however, is that resources are too few and seem to be diminishing in some States, and our education system lacks any national approach to standards within the area of pastoral support for children.

10.49 MacKenzie and Chamberlain work concluded that the welfare staff available within schools could not deal effectively with a large number of homeless teenagers. They commented:

"In some states, school counsellors or welfare staff have full time positions, but this is far from uniform. For example, in New South Wales, the guidance officer is usually shared between a number of schools; in Victoria the welfare co-ordinator usually has a part-time teaching load; and in all states welfare staff are responsible for many more issues than homelessness."¹⁰

10.50 There was some criticism made by parents and parent groups about school counsellors who encouraged young people to leave home without adequately ascertaining the facts. However, the Committee also heard contradictory evidence, which indicated a high degree of professionalism by student counsellors and support staff in undertaking their work.

10.51 MacKenzie and Chamberlain commented on the way school counsellors tried to assist young people with applications for the homeless rate of AUSTUDY payment:

"As far as we can ascertain, most welfare staff in schools take that very seriously. They feel that they are signing a legal document and they tell you, quite straightforwardly, 'I will not sign it unless I am certain that the young person cannot go home.'" (MacKenzie and Chamberlain: Transcript of evidence, p 2700)

10.52 Equipping our schools with well trained counsellors and specialist support staff will require significant additional resources by the Commonwealth and State governments. Extra resources spent in this area would have a greater potential to encourage young people

¹⁰ D MacKenzie & C Chamberlain, op.cit., p 19.

to stay at school and within their family environment, as well as providing educational and training opportunities for young people to make the successful transition to independence.

10.53 Schools were also seen to provide an important role in assisting remote and rural communities deal with the problem of homelessness. A witness from a youth service in Toowoomba commented:

"The school is the area - from my experience as an RE teacher and also from my pastoral work - where often problems are identified early by teachers, but in my experience there is not a lot of access to resources to deal with that. I think that would probably be true in more remote and rural areas, perhaps if government looked at the issue of putting resource people into schools who could pick up some of these things, that might start to deal with some of the issues earlier than we often see them in the youth service." (Toowoomba and District Youth Service: Transcript of evidence, pp 2452-53)

Retention Rates of Young Homeless Students

10.54 One of the key findings from the census work of MacKenzie and Chamberlain is the high drop-out rate of homeless students from education. Drawing upon comments from teachers and counsellors, the authors state:

"... it is clear that many young people who become homeless also drop out of school. This does not happen in every case, and many young people attempt to remain at school for some months before they give up their studies. Nonetheless, we are certain that well over half (and probably closer to three-quarters) do not complete the school year."¹¹

¹¹ D MacKenzie & C Chamberlain, op.cit., p 14.

10.55 This pattern of dropping out of education after becoming homeless, was reiterated by a witness during the hearing in Tasmania. A report undertaken in the Northern part of Tasmania by the local AUSTUDY office found that, regardless of the background of the young person, once they became homeless there was a strong likelihood that they would leave school. The conclusion from this report was that the experience of homelessness itself was a most powerful factor in determining whether a young person maintained their attachment to education. The witness said:

"We made a report to the state a couple of years ago that in the group under 18, which is the AUSTUDY group that we want to focus on, something like 60 per cent of those who started in colleges on student homeless rates did not complete the year. They are essentially the ones that have gone on to year 11 and year 12... The support services are not there." (Northern Youth Coordination Committee: Transcript of evidence, p 1829)

10.56 However, there is some inconsistent data about the retention rates of young people who are receiving the homeless rate of AUSTUDY. The Department of Employment, Education and Training commented on the figures provided by MacKenzie and Chamberlain in their census which estimated between two-thirds and three-quarters of students who become homeless will drop out of school.

"DEET SHR recipients show a much higher rate of continuing in education than this... "drop out" rates for homeless students getting SHR would seem broadly on par with that for all secondary AUSTUDY clients."¹²

10.57 Clearly, definitions of homelessness and eligibility used by DEET and by MacKenzie and Chamberlain will affect final figures and accounts, in part, for differences in estimating the retention rates

¹² DEET, Correspondence to the Committee, 23 January 1995, p 5.

for homeless students. Yet these differences in the characteristics of the homeless student population would not seem to explain adequately the widely different picture of the numbers of young homeless students who withdraw from education. Such discrepancies in figures must not stop a thorough analysis of the barriers preventing young homeless students from staying in education.

10.58 A witness for the South Australian government was a school principal from a disadvantaged school. One of the issues she put forward was the immense amount of time it took to effectively support a young homeless person in the school environment. She said:

"A couple of years ago we actually kept a log on how much time it took to support young homeless people - it was a year in which we had 45 young homeless people in years 11 and 12 - and it actually took the equivalent of one full-time person for the whole year just to manage their ongoing needs... So there is an enormous amount of human resource going into supporting these people." (Department of Education and Children's Services: Transcript of evidence, pp 1378-1379)

Income Support for Young Homeless Students Under 16 years

10.59 Another compounding problem which militates against young people under 16 years returning to school, is the current arrangement relating to their income security entitlements because AUSTUDY is not available to young people under the school leaving age. (The school leaving age is usually 15 years, but it is 16 years in Tasmania and is the end of the year in which they turn 15 in Western Australia.)

10.60 These young people, although of school age, are not entitled to AUSTUDY and if they are homeless and at school, they

receive Special Benefit at the homeless rate from the Department of Social Security. Through the introduction of the Protocol there should be very few children under school leaving age not being looked after by the State/Territory government. However, the Committee notes that the differing school leaving age in the two States referred to has implications for the Commonwealth/State Protocol and the age at which these young people of school age should continue to be the responsibility of the State government. Neither State has incorporated the implications of the legal school leaving age into the operation of the Protocol.

10.61 The Committee has indicated that it strongly opposes this administrative arrangement. These young people do not have a place in the Social Security system when there is another department with a policy responsibility for supporting students. Linking young people below school leaving age into the social security system further disconnects them from the education system. Under current provisions, the Department of Social Security does not require young people under school leaving age to undertake any form of education as a condition of their benefit. This arrangement fails to facilitate the re-entry of young people into education. The Committee noted a certain reluctance on the part of DEET's departmental witnesses to accept that the Department had a responsibility for school age children.

10.62 The Committee finds there is an inherent contradiction between the ability of one Commonwealth department to pay income support to a young person under school age, while another Commonwealth department believes it is not their responsibility to ensure they have access to education. It is this contradiction that alarms and disturbs parents and other members of the community, when they see income support being offered without reference to other social supports.

10.63 A spokesperson for DEET commented:

"It comes back to the constitution and how it operates. Social Security is responsible for welfare issues across the country, but education is one of those areas where, under the constitution, the states have the prime responsibility. And we do spend \$3 billion on education."
(DEET: Transcript of evidence, p 2754)

10.64 Despite the Commonwealth and State/Territory Protocol, the Committee is concerned that DEET has not focussed sufficiently on these students who are at risk. These young people were seen to be a State government responsibility. A departmental spokesperson told the Committee:

"I must admit we are not focusing particularly on those who are at risk of falling out within those compulsory years, because we are assuming there are legal responsibilities."
(DEET: Transcript of evidence, p 2754)

10.65 What is evident, however, is that the States are not meeting their legal responsibilities.

10.66 However, until this client group is incorporated into the AUSTUDY system and their educational as well as their income security needs attended to, there will be no improvement in their access to education. The Department of Social Security, under its current legislation, is a totally inappropriate portfolio to attend to the policy and program implications of this client group.

10.67 The Committee recommends that the Department of Employment, Education and Training immediately take steps to include the payment of AUSTUDY to those young people under school leaving age, who have been assessed as meeting the 'homeless' criteria. This assessment will be subject to the same eligibility provisions currently

applying to Special Benefit. Adequate resources should be made available to DEET, to ensure that professional assessment and follow up support services are available. Under the Protocol, these should only be cases referred back from the States and should constitute a small number of young people.

Other AUSTUDY Issues

10.68 The difficulties with the administration of AUSTUDY for young homeless people has already been outlined, both in the Committee's earlier Discussion Paper and in Chapter 5 of this Report. The Committee reiterates that there remain considerable barriers for young homeless people to re-enter and complete school. These barriers include administrative complexity, long delays in processing of claims and in determining 'homelessness' eligibility, as well as harsh breaching provisions and overpayments.

10.69 While many of these concerns were raised with the Committee by community organisations, several young people who had experienced homelessness as students also provided evidence on this issue.

10.70 A young woman who moved from the country to Melbourne and attended Prahran Secondary College which runs a particular support program for homeless students, told the Committee that she was without income for two months while her AUSTUDY claim was being assessed. She said:

"How was I supposed to live otherwise? I could not even buy food for myself and things like that - just basic necessities. I would have dropped out if it was not for the program. It is as simple as that." (K Rubens: Transcript of evidence, p 1111)

10.71 Another young witness told the Inquiry of the support she had received through the Ardoch school, which she enrolled in after leaving home at 14 years of age.

"Because I was the only young homeless person at that time, there was enough money within school funds to be able to support me until I finally got the AUSTUDY allowance. The school then found emergency accommodation for me. I basically did not have anything. There was no other adult support in my life apart from the school at that time."
(Ardoch Youth Foundation: Transcript of evidence, p 1112)

10.72 A young man in Adelaide related how he eventually left school, largely as a result of the stress experienced in trying to obtain income support through AUSTUDY at the homeless rate. He said:

"I first applied for young homeless AUSTUDY, because I wanted to actually stay at school and live out of home when I first got kicked out, because education is really the most important thing. I applied for the AUSTUDY by myself the first time and basically I got nowhere... I went and saw John... They sent out another letter saying that was not sufficient enough, and that I was not eligible.

After that we put in the review form. I waited several weeks after that and I got an interview. I went up to the interview and half way through the interview - I was pretty nervous, I was crying and stuff - they stopped the interview and said that I had sufficient reason to get the AUSTUDY. This took about six weeks from my initial start to actually get it, and I applied for it about twice... Six weeks after that I left school because I could not handle the stress.

... It was six weeks of stress when I had to wait to find out what was happening. I had to wait for every letter to be posted to me. I was rejected twice. I mean, it is no good when you think, 'I deserve this; I need this to help me live.' And you keep getting letters saying, 'You don't deserve it.' I

lived on normal AUSTUDY for all that time. So that was pretty difficult. Places like Youth Strategy paid my rent for three fortnights in a row while I waited to get the benefit. If it had not been for them, I would not have survived at all." (Transcript of evidence, pp 1528-1530)

10.73 The Committee is aware of the current inquiry into AUSTUDY being conducted by the Senate Standing Committee on Employment, Education and Training and urges that issues concerning the payment of AUSTUDY to young people without parental support be considered as part of the Committee's investigations.

The Students at Risk (STAR) Program

10.74 STAR is a component of the National Equity Program for Schools, which targets students who are educationally disadvantaged.

10.75 The Department of Employment, Education and Training provided the following information about STAR:

"The objective of STAR is to identify those students most at risk of not completing secondary school, and to encourage their continued participation by supporting a range of school based projects at, or in connection with, government and non-government secondary schools. STAR identifies homelessness as only one of a number of possible factors which contribute to students being at risk of not completing secondary school." (DEET: Transcript of evidence, p 2001)

10.76 STAR is probably the most significant of the intervention programs in schools which has the potential to target disadvantaged young people who are at risk of leaving school early. In terms of the education programs funded by the Commonwealth and the States, however, it is quite a small program with funding of \$7m during

1994. The Committee heard of initiatives occurring in some States which were largely reliant on the STAR program to support at risk students.

10.77 While encouraging the work being done in some schools with STAR money, the Committee believes that the program is far too limited in scope to be able to adequately respond to the numbers of young people who are at risk of leaving school early and, in fact, do leave.

10.78 One of the concerns is the narrow educational focus of STAR, which attempts to isolate the educational needs of young people from a range of other family and social problems which may be affecting their chances of remaining at school. A DEET officer commented:

"... they become homeless for a range of reasons, some of which are due to their experiences at school. STAR can help to address their experiences at school. It cannot, of course, address the range of other social problems." (DEET: Transcript of evidence, p 2764)

10.79 The Committee is concerned that, because of the scarcity of resources in some schools, STAR money is being used for other purposes. There appears to be a limited focus on the broader needs of disadvantaged young people with greater attention being given to use STAR funds to supplement general educational programs. This means that many of the young people who are identified as being at risk will not gain access to STAR resources.

10.80 The Australian Youth Policy Action Coalition commented, in a recent paper:

"For young people that are not suited to the types of curriculum and teaching methodologies most commonly employed in schools, programs such as Students at Risk are

not relevant. The program is attempting with insufficient resources to keep many young people where they don't want to be, in school systems that do not focus on their educational needs or aspirations. Thus it is hardly surprising that it does not succeed with these particular young people."¹³

10.81 Given the high numbers of young homeless people who have left school prematurely, including some who do not even make it to secondary school, the effectiveness of STAR in meeting the needs of these young people must be questioned. The Committee is also concerned about limited policy control over STAR, once funds are allocated to the State Government, Catholic and independent sectors in each eligible State. DEET stated:

"The various sectors are then responsible for administration of the component allocated to their sector. There are inherent sensitivities about Commonwealth intrusion into the administration of these funds." (DEET: Transcript of evidence, p 2002)

10.82 The sensitivities in the area of Commonwealth/State relationships and responsibilities are central to this Inquiry. Yet the Committee believes that the issue of ensuring that children in Australia in 1995 have adequate educational opportunities, are so critical that the Commonwealth must take a far greater role in monitoring and directing funds allocated for 'at risk' children.

10.83 STAR is not capable, in its current form, and with its current levels of funding to be an effective strategy against early school leaving.

¹³ Australian Youth Policy and Action Coalition, Paper, *Youth federal budget submission*, Dec-Jan 1995, p 8.

10.84 The limitations of STAR were acknowledged by a spokesperson for the SA Government. Although the STAR program had been effective in some schools in assisting to increase the retention levels, she concluded:

"I think that it is not so much the STAR program that will offer individuals the kind of support you might be looking at. Rather, it might be that you have to find schools that actually have the sorts of programs that can accommodate the needs of young people. Now, many, but not all of those, will be STAR schools. There are other schools that may also have focused on retention or on students at risk who may have those kinds of programs." (SA Department of Education and Children's Services: Transcript of evidence, pp 1389-1390)

10.85 The Committee recommends that the STAR program be broadened and adequately funded to enable greater attention to be paid to the needs of individual young people who are at risk of leaving school due to family breakdown and homelessness. Funds from the STAR program should be made available to individual schools to meet a range of needs of individual students, as well as for program initiatives within schools.

10.86 The Committee recommends that funds be made available for schools and community organisations to develop appropriate education facilities and programs for young people of school age, who require alternative education opportunities.

10.87 The Committee recommends that accountability mechanisms for the funds provided under the STAR program be established to require State/Territory education departments to demonstrate that the program specifically targets children identified at risk, particularly those referred to the State/Territory welfare department through the Protocol.

Early Intervention

10.88 The fact that many young people experience family trauma and breakdown while at school, points to the importance of schools as points of prevention and early intervention.

10.89 Early intervention, in the context of youth homelessness, is a process which is based on the principle that if appropriate action and support is provided at an early stage of a young person leaving home, the spiral towards chronic homelessness can be avoided.

10.90 MacKenzie and Chamberlain are specific about their definition of early intervention:

"When we use the term early intervention we mean picking up young people at the earliest possible point in this homelessness process and doing something effective there."
(MacKenzie and Chamberlain: Transcript of evidence, p 2701)

10.91 Despite the disturbing picture MacKenzie and Chamberlain's research paints about the numbers of homeless students in our schools, there is a certain degree of optimism about the potential for early intervention in the lives of these young people because of their continued attendance at school, at least in the early weeks of leaving home.

10.92 MacKenzie and Chamberlain told the Inquiry that the continued attachment to school may reduce the likelihood of longer term homelessness:

"The permanent break takes longer, and is less clear cut, if they remain at schools and connected to their local community through relationships with friends, teachers and

other significant people in their lives. In these circumstances, the period of detachment from family may not signify a 'permanent break', and it is much less likely that the young person will become involved in the homeless sub-culture. When homeless young people remain at school, the permanent break is either 'delayed' or less decisive, and homeless school students rarely make the transition to chronicity." (MacKenzie and Chamberlain: Transcript of evidence, pp 2714-2715)

10.93 There is considerable evidence that if a young person stays at school and in their local community there is an opportunity, if support services are provided in the first 2-4 weeks, to prevent the break from home and school from becoming permanent. Similar evidence was heard from workers providing adolescent and family mediation services, who confirmed that intervention in the early stages of homelessness can significantly improve opportunities for family reconciliation.

10.94 In recommending schools become the primary focus for early intervention, they stated:

"An early intervention policy - must bring schools into the picture. Such a policy does not really yet exist: there is a policy vacuum in this particular area. The schools, we argue, are primary sites for early intervention to take place. There is no national approach to this, although there is some coordination on the ground." (MacKenzie and Chamberlain: Transcript of evidence, p 2696)

10.95 The importance of schools was identified in the submission by the Australian Council of Social Service. It said:

"Schools are often the best placed institutions to identify children and young people who are experiencing personal or family difficulties and to link them with these services. They are also, as the Human Rights Commission pointed out,

usually the last mainstream "institutions" with which many have contact before becoming homeless." (ACOSS: Submission, p 161)

10.96 However, ACOSS believes that most schools lack the resources, expertise and orientation to fulfil the functions of identification, preliminary response and linkage with other services.

"This lack is particularly serious in disadvantaged schools where the need is especially great." (ACOSS: Submission, p 161)

10.97 The Committee was impressed by the extent to which non-government organisations who were working with homeless young people were also engaged in projects focused on schools and prevention. The Brotherhood of St Laurence in Victoria is involved in a five-year action research prevention project in local schools and with families. It aims to involve the broader community and human services field.

10.98 A witness for the Brotherhood of St Laurence (BSL) stated:

"Basically, schools are crucial to identifying risk as early as possible and providing support and resources." (BSL: Transcript of evidence, p 190)

10.99 Several other non-government organisations were undertaking innovative projects in this area of preventive work with families and children, working directly with schools and young people, either at risk of leaving school and home, or with those who were already homeless.

10.100 The Committee was told of the role of Trusts in supporting community organisations develop more preventive approaches to youth homelessness using schools as a base. Trusts

involved in these projects include the ANZ Trustees, The Sydney Myer Fund, the William Buckland Foundation and the Queens Trust. The extent to which a better partnership between government, non-government agencies and philanthropic trusts can be developed should lead to increased funds being devoted to prevention and early intervention in the future.

10.101 The Committee recommends that schools become a focal point for early intervention and that Commonwealth and State/Territory governments undertake a full review of pastoral care and student welfare support services within primary and secondary schools with a view to:

- 1) establishing national standards for determining the ratio of counsellors to students and to schools;
- 2) identifying those schools which require substantial pastoral care and specialist counselling and resources to support disadvantaged families and young people;
- 3) establishing national qualification requirements for specialist support staff in schools;
- 4) developing a greater partnership between schools and local community services in responding to the problems identified within schools; and
- 5) ensuring primary schools are given adequate access to counselling and specialist support staff in recognition of the value of prevention.

CHAPTER 11

PARENTAL ROLES AND RESPONSIBILITIES

11.1 Evidence to this Inquiry has strongly supported the family as the social institution in which children and young people grow and develop to their best potential. Equally important is the critical role of government in protecting children in those families which cannot, or fail in their duty, to care and promote the well being of their children.

11.2 The Inquiry received a number of submissions from individual parents and from organisations representing parents and other interested community members. At most of the public hearings, parent groups appeared as witnesses and outlined both their personal experiences of family breakdown, as well as offering their perspectives on the adequacy of policies and programs for young people and families.

11.3 This Chapter provides an overview of their perspectives, views and personal experiences. These views and experiences are considered in the light of other evidence from government and non-government youth and family service organisations and recent research. This is balanced against the responsibilities of government, which are prescribed by legislation and conventions.

11.4 The Committee acknowledges that aspects of this Inquiry are controversial, particularly the issue of how government policies and programs impact on family relationships and arrangements. Underpinning the Committee's approach to this issue is a strong belief in the importance of the partnership between families and government in providing for the needs of children and young people by respecting

their human rights. In addressing this issue within the context of the International Year of the Family, the National Report stated:

"Families then, have clearly defined responsibilities and duties to perform in the interests of their individual members. They have the responsibility for care and nurturing, the equitable distribution of social and economic resources within the family unit, and the protection of individual members, including promoting the rights and welfare of young and vulnerable members. *'If the family is to serve its purpose, its members must promote the rights of the individual members, defining what it expects of those individuals in return, and explicitly protecting the self respect and personal dignity of every member.'*¹

11.5 The polarisation of views regarding the 'rights of the child' and the 'rights of parents' are also examined in the context of the UN Convention on the Rights of the Child. The Committee is concerned about the extent to which the Convention is seen by some to negate parental rights and responsibilities. The Committee endorses the importance of the UN Convention, because it puts a clear responsibility on government to assist families in their task of child rearing.

11.6 The Committee understands that Australia was particularly active in the drafting process of the Convention. In particular, Article 5, which is widely recognised as an Australian initiative, is supportive of the role of parents and the family:

Article 5: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate

¹ The National Council for the International Year of the Family, *Creating the Links: Family and Social Responsibility*, AGPS, Canberra, 1994, p 236.

direction and guidance in the exercise by the child of the rights recognised in the present convention...²

11.7 As well, the preamble to the Convention describes the context of its various articles. A number of these specifically stress the importance of nurturing the child within the family system:

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

Convinced that the family, as the fundamental group of society and natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

Recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.³

11.8 There are no articles in the Convention which suggest children's rights be exercised against those of their parents. Rather, the Convention respects the child as an individual with inalienable human rights which must be protected. These rights are not only covered under this Convention but also in other treaties, in particular, the International Covenant on Economic, Social and Cultural Rights to which Australia is a party. Further, as one academic writer comments:

² UN Convention on the Rights of the Child: Article 5.

³ *ibid.*

"The constant use of the term "child" lends itself to being a framework of protection rather than empowerment." ⁴

11.9 The Convention on the Rights of the Child is one element of a broader social and cultural shift taking place which acknowledges and promotes the human rights of children. This cultural shift requires major readjustments within our social institutions, including the family, to establish new patterns of parenting and to forge new relationships between children and parents. Some of the evidence to the Inquiry indicates that many parents are not being supported sufficiently in their parenting tasks; lack appropriate parenting skills; others have difficulty accepting the emergence of independence and autonomy among children and in some cases, neglect and injure their children.

11.10 Parents and parent groups often presented quite conflicting evidence to that received from community and non-government welfare organisations. The greatest divergence of views was in the area of access to income support, the extent to which it acted as an incentive to leave home and the supremacy of children's rights over those of parents.

11.11 On the other hand, there was consensus between parent groups and community welfare organisations on:

- . the lack of preventive and early intervention services for families and adolescents;
- . the inadequate support offered to families by State welfare authorities;

⁴ D Sandor, 'Convention on the Rights of the Child and young people', *Youth Studies Australia*, 11(1), 1991, pp 60-62.

- . the lack of responsibility and accountability by both the Commonwealth and State governments, for the welfare of young people receiving the homeless rate of income support;
- . the need to improve training and skills of people working in the youth field; and
- . the absence of adequate and accessible family support services for families and adolescents.

Payment of the Homeless Allowance

11.12 Many of the issues relating to payment of YHA and AUSTUDY at the Student Homeless Rate acting as an incentive to leave home, have already been discussed in Chapter 5. However, there is a need to acknowledge the voice of parents and evaluate their experiences against other evidence put before the Committee.

11.13 Many parents told personal stories of the circumstances involving their daughter or son leaving home. The Committee did not endeavour to determine the rights or wrongs of any individual case. This was clearly beyond the scope or intention of the terms of reference of the Inquiry. Rather, it sought to hear parents views and to consider how their experiences can inform the future development of policy and programs for families and young people.

11.14 For many parents, the payment of the Young Homeless Allowance and its AUSTUDY equivalent, embodies the failure of the social welfare system to support them as parents or to provide adequate care and protection for their children.

11.15 However, while there has been considerable focus on the income support payments to young people who are not living at home, what is often forgotten is that frequently a history of family malfunction, trauma and intermittent homelessness precedes the application for and payment of the allowance. This fact was confirmed by the many personal stories provided to the Committee and statistics provided by the Department of Social Security indicating that nearly 60 per cent of young people receiving the homeless rate of payment were either from single parent families or from families with one natural parent and one step parent.

11.16 One of the main criticisms of the payment of income support to young people not living with their families, was the way in which the assessment process frequently excluded parents from putting their point of view or from being informed about the issues in any way. This concern was frequently associated with what parents saw as their inability to respond to allegations of abuse, which may have been made by their child.

11.17 One parent told the Committee that although she had other younger children in her care, no-one made contact with her following an allegation of abuse:

"So if he was in danger, surely they were in danger, too. No-one came out to see about their safety, although when he came to collect some things three police officers and a youth worker turned up to collect some television equipment and things like that, but nobody could come out to check on the safety and welfare of my younger children. There is a problem there surely." (J Hall: Transcript of evidence, p 2381)

11.18 The failure to be informed of allegations was also a common complaint:

"... parents also feel as though they are discriminated against quite actively with regard to privacy, with regard to young people making accusations. In many cases parents are unable to get the evidence that the child has given in the production of the case study. They just do not know what it is they have to fight." (S Dekker: Transcript of evidence, p 647)

11.19 A parent group in Brisbane outlined its main concerns:

"We felt mainly there was a great unaccountability problem and a lack of consultation with the parents, particularly concerned parents." (M Gardner: Transcript of evidence, p 677)

"We do not know what allegations, if any, have been made of sexual abuse, violence, drug use, et cetera because we cannot find out what has been said... We are not contacted. We are not prosecuted. There is no investigation - nothing." (C Luck: Transcript of evidence, p 681)

11.20 The importance of contacting parents was reinforced by a spokesperson for the Australian Association of Social Workers, who stated:

"There is some community misunderstanding about the fact that the agencies that we are involved with do, as a matter of course, make contact with parents and that they are given an opportunity to discuss the situation and also to discuss the procedures that are involved. My own experience is that parents appreciate that. The number of occasions in which we are treated with abuse or hostility are fairly small. People appreciate the opportunity to talk with us about what is involved when their young person makes an application." (AASW: Transcript of evidence, p 1721)

11.21 The Committee found it difficult to understand why there had been no formal contact made with the family, even in those

instances where the State welfare departments had become involved in the decision for their child to live outside the family home.

11.22 The lack of support services provided to young people who were in need of care and supervision, once they left home, was also a source of criticism of many parents. Parents were particularly critical of the failure of government to ensure that the children attended school and had adequate accommodation and adult supervision.

11.23 This was expressed by one parent:

"But I think that if you have got a child who feels that he or she cannot live at home for some reason and that person is 13, 14, 15, 16, I do not think the answer is to give that person money. I think the answer is to give that person care, because I agree that the money is not enough... That \$109 is not enough for anybody to live independently because accommodation is not cheap unless they get some sort of subsidised accommodation. Generally speaking, I think any person who simply cannot live at home, for whatever reason, still needs care. Just because the home has let them down or they feel let down by their home, it does not mean they do not need care." (A Berridge: Transcript of evidence, p 265)

11.24 Another parent, whose daughter was in the care of a State welfare department, expressed concern about the lack of responsibility taken by government authorities.

"She was actually on the homeless allowance for two years, and I was never contacted by the department or Youth and Community Services - nobody.

I went to the refuge. I kept in contact. I eventually took her to drug and alcohol counselling places and to hospital. She would ring me at night, and I would be there for her. The failing I have seen in the system is that no-one takes the

responsibility for the child, yet they do class them as homeless." (M Proud: Transcript of evidence, p 2385)

Physical and Sexual Abuse

11.25 In those cases where allegations of abuse have been made, there are serious complications associated with ensuring that parents are informed and contacted due to legal and procedural requirements. Many parents called for more adequate investigations of these claims.

11.26 The following comment reflects the views of parents on the subject:

"It is for this reason that I really believe that, when our children go out there and make claims of abuse, these claims should be investigated. It should not be the case that a government cheque is given out, with the suggestion that the problems will be looked at later, because it is harder to resolve then." (C Crawford: Transcript of evidence, p 496)

11.27 During the hearings, it was obvious that many parents suffered enormous pain and distress from experiences associated with their son or daughter leaving home. Many interpreted the failure to be contacted by anyone as implying that abuse was the reason their child had given for leaving home.

11.28 The area of child abuse allegations, investigation and assessment is incredibly complex. The data provided by the Australian Institute on Health and Welfare about the number of allegations and substantiations following mandatory reporting, indicates the difficulty of this process. The evidence is that many children are classified 'at risk' even though claims are unable to be substantiated. Further research in the area indicates the difficulty of achieving a conviction, even though

the substantiation process remains. Confronting the accused and conducting an investigation, does not necessarily provide the clear cut outcome that many parents are asking for. Due to the requirements of the criminal code, in which the burden of proof must be satisfied due to the nature of the allegations, outcomes are often far less than satisfactory for all parties.

11.29 The importance parents attach to their right to defend themselves has also to be balanced against the relative power of parents over children in these circumstances. Intervention in these cases requires the application of competent and highly professional judgment. While accepting, in principle, the rights of parent to be heard and defend themselves against accusations, the Committee does not believe that simple solutions to this can be found outside the framework of sound legislation and quality child protection practice.

11.30 Investigation of allegations of physical and sexual abuse remain the responsibility of State/Territory welfare authorities who have the appropriate legislative framework and statutory obligations to undertake this work. Neither the Department of Social Security nor the Department of Employment, Education and Training has the legislative authority to investigate or adjudicate on such matters.

11.31 The Committee recommends that in cases where allegations of abuse are made about a family member/s as part of an application for a payment from the Commonwealth at the homeless rate, and where these allegations are so serious that parents/guardians are not contacted, a referral must be made to the appropriate State/Territory welfare department. This would require a full protective investigation by the relevant child protection service and would apply to all young people up to the age of 18 years. The current Protocol

outlines the procedures to be followed for referrals under these circumstances.

11.32 The Committee recommends that the National Child Protection Council address the extent to which the current child protection legislation in the States and Territories provides parents with an opportunity to address claims made against them.

11.33 In considering the assessment of income support, the Committee agrees that there is a need to include parents as much as possible in the assessment process, where appropriate. Some of the barriers to contact with parents have been removed following the changes to the privacy provisions made last year. There should now be fewer situations where parents are not contacted as a normal part of the assessment process.

11.34 In those instances where allegations of abuse have been made, the current Commonwealth/State Protocol should ensure that the appropriate State child protection authorities investigate these claims. The extent to which parents are better informed of these allegations will largely depend on the capacity and commitment of the States/Territories to undertake these assessments, as agreed in the Protocol.

11.35 The Committee recommends that State Welfare Ministers monitor closely and report on the following aspects of the Commonwealth and State/Territory Protocol on the Care of Young People:

- 1) the number of 'at risk assessments' acted on by the State/Territory welfare departments following referrals from the Commonwealth Departments of Social Security and Employment, Education and Training; and

- 2) the outcomes of these 'at risk assessments', including parental contact, substantiation of allegations, and details of care and support provided to the family and/or the young person.

11.36 In situations involving allegations of abuse or violence, parents should be contacted as part of the protective assessment undertaken by the State/Territory Child Protection authorities, under the new procedures introduced through the Commonwealth and State/Territory Protocol.

11.37 Provided these procedures operate effectively, there should be very few situations in which parents are not able to obtain basic information about their children, which would enable them to at least know that they are alive and safe.

11.38 The Committee recommends that the monitoring of the Commonwealth and State/Territory Protocol include information on the following:

- 1) the number of requests from parents for information about their children;
- 2) departmental responses to this request;
- 3) the number of disclosures made to parents where young people have given their consent;
- 4) the number of disclosures to parents made under the public interest provisions where young people had not given their consent; and
- 5) information not disclosed due to concerns about the safety of the young person.

11.39 The Committee recommends that the auditing of the Protocol be undertaken by the Child and Youth Bureau in Attorney General's Department, following its establishment.

11.40 There is some disquiet about the extent to which child protection practice in Australia is becoming totally focussed on investigation, leaving fewer resources to provide the services required to adequately support these children and families in the short and long term.

11.41 An academic recently outlined her observations:

"Case management has replaced casework. Detailed procedural manuals provide recipes for processing children along the assembly line of legal dispositions. Screening rather than service has become the bottom line. Paradoxically, while the police role in child protection has been phased out, the welfare-based child protection services becomes increasingly driven more by investigating families than by serving them."⁵

11.42 As outlined earlier in Chapter 9, the Committee has raised serious questions about the ability of States/Territories to effectively implement the Protocol and provide adequate services to disadvantaged and at risk children.

11.43 The Committee recommends that the National Child Protection Council immediately initiate a national review, involving State/Territory governments and non-government welfare agencies, of the adequacy of child protection practices in Australia, in terms of the extent to which the broader family welfare responsibilities, as well as the investigatory role, are being met.

⁵ D Scott, *Australian Journal of Social Issues*, vol 30, no 1, February 1995, p 89.

11.44 It should be noted that many parents who gave evidence were parents who had experienced considerable pain and distress at the circumstances surrounding their son or daughter leaving home and becoming homeless. However, the Committee was told of another group of parents who made little or no effort to contact their children once they had left home.

11.45 A worker at a young women's refuge noted her agency's experience of parental contact:

"We see very little of parents. I would have expected, when I first started, that I would have had a lot of contact with parents, that parents would be ringing up and asking if their daughters were there and wanting to see them. But, on the whole, you have surprisingly little contact." (G Carroll: Transcript of evidence, p 1739)

11.46 The Committee believe it is important to provide some channel for parents to make contact with their child if relationships have broken down to the extent that there has been no communication over a considerable period of time.

11.47 Some parents requested that there should be changes to the privacy provisions so that officers of the Department of Social Security are able to inform parents about the well being of their son or daughter.

11.48 The Committee understands the trauma many parents experience following their child leaving home, particularly where there has been no contact for a considerable period of time. The Committee supports the revisions made to the privacy provisions last year by the Minister for Social Security, with the introduction of a Disallowable Instrument, which enables information to be provided to parents about the well-being of their children.

11.49 Clause 3 of the Disallowable Instrument provides for disclosure of information about homeless people in a number of circumstances. An Explanatory Statement accompanying the Disallowable Instrument outlines the intention of the various Clauses:

"Clause 3(1) defines the term "homeless young person" for the purposes of his clause. It means a person under 18 years who claims a payment which is higher because it includes an amount calculated by reference to the fact that the person is a homeless person.

Clause 3(2) enables disclosure of personal information about a homeless young person to State or Territory welfare authorities.

Clause 3(3) enables the disclosure of personal information about a person who is a member of a family of a homeless young person. Where it appears that there is a threat to the person, the information can be disclosed to relevant authorities.

Clause 3(4) enables the disclosure of information to verify the circumstances of a claimant where homelessness is an issue and contact with the parents of the claimant is, therefore, appropriate. The usual case will involve an allegation that the child is not able to live at home.

The clause will allow the Department of Social Security to investigate an allegation of homelessness and, if appropriate, give the parents an opportunity to respond to it.

Clause 3(5) enables the disclosure of information about a homeless young person for the specific purpose of arranging for a reconciliation between the young person and their parents. This action would be taken only by agreement between the parties, but it is included here to ensure that it is clearly available in appropriate cases.

Clause 3(6) enables the disclosure of information about a homeless young person for the specific purpose of assuring

the person's parents that the person has contacted the Department.

Clause 3(7) general limitation on disclosure about a person under this clause. It precludes disclosure if harm would come to the person. This is included expressly to make the position clear, rather than regard it as an implied consideration."⁶

11.50 A full copy of the Disallowable Instrument is attached at Appendix 5.

11.51 The procedure for informing the parent/s is straightforward where the young person gives consent. However, the information can also be released under the Public Interest Provisions where consent is not given, provided that officers are satisfied that this would result in no harm to the person. In such cases, approval of release of information must be sought through senior officers of the Department of Social Security.

11.52 The Committee understands that similar provisions have been included in the new Student and Youth Assistance Act within the Department of Employment, Education and Training. This should ensure a greater degree of consistency by the two departments in the way issues of privacy and parental contact are dealt with for young people claiming income support on the basis of being homeless.

11.53 The Committee is aware of the "post office" facility within the Department of Social Security which will forward correspondence to clients receiving an income support payment. Using this facility would respect the right of the young person to make contact if they wish, while at the same time opening up an opportunity for

⁶ *Social Security Act 1991*, Determination Under Section 1315, Explanatory Statement, pp 6-8.

communication between parents and young people. The Department should expand awareness of this facility where appropriate.

11.54 The Committee recommends that requests for information made to the Departments of Social Security and Employment, Education and Training by parents about their children under the Disallowable Instrument be audited by the Child and Youth Bureau. This should include:

- 1) the number of requests from parents for information about their children;
- 2) departmental responses to requests;
- 3) the number of disclosures made to parents where young people have given their consent;
- 4) the number of disclosures to parents made under the public interest provisions where young people had not given their consent; and
- 5) information not disclosed due to concerns about the safety of the young person.

The Role of the State in the Care and Protection of Children

11.55 There was considerable ambivalence expressed by parental witnesses about the extent to which the State has a role in the affairs of families. This is often reflected in the almost contradictory expectations of social welfare and child protection workers.

11.56 On the one hand, there was criticism that families and young people were not supported by anyone and were left to manage their own crises, often resulting in total family breakdown. On the other, there was considerable antagonism to a welfare system which removed their child from home and failed to inform parents of decisions made about their child.

11.57 The following comments from parents illustrate this contradiction:

"In New South Wales, we have had seven years of these kids being under the Child (Care and Protection) Act 1987. That was when we got rid of 'children in moral danger' and 'uncontrollable children'. Those terms no longer exist. We have still got children in moral danger; we have still got uncontrollable children. But as a parent, you have to take your child to court, if they have not yet broken the law or if you consider they are in some sort of danger, to take out a care order. The kids do not want this. They do not want mum and dad taking them to court, and very often the parents do not want to have to do this." (C Crawford: Transcript of evidence, p 498)

"In my case I was the one who saw some disturbance with my daughter. I took her along to a counsellor who then put me onto a social worker. That was the last I saw of my daughter. She was not abused, sexually harassed or anything. She was just a wilful teenager who wanted her own way. And at no time was there any mention of mediation from the social worker. I did not even know that it existed

... When I went to CSV for help, it disregarded me and the rest of my family. My daughter was getting every whim catered to." (S Black: Transcript of evidence, pp 248-249)

Preferential Treatment for the Child

11.58 During the Inquiry, there was considerable criticism by parents and parent groups of social workers, youth workers and school counsellors. This criticism was usually based on their perception that there was a preference for believing the child over the parent and that too much attention was given to what the child wanted to do. One parent expressed her concern in the following terms:

"The thing that I see not only with my children but also with other people's children that I have spoken to is that a lot of the providers are inexperienced and generally do not seem to be empathetic all way round. It is more like tunnel vision, that the child or young adult is stuck up on a pedestal and they cannot be wrong - that sort of attitude. I find the biggest problem is inexperience with the people who are providing the service I have also seen many instances where young people could have more often than not been returned to their home after a bit of counselling, mediation or whatever - some sort of reconciliation with the family to actually sort out problems." (J Hall: Transcript of evidence, pp 2379-2380)

11.59 However, these comments are contrasted strongly with other youth and family workers who see children and young people as being disadvantaged when the views of parents and other adult figures are taken into account.

11.60 In Western Australia, the Committee was told of a young woman who was nearly 16 when she claimed the Young Homeless Allowance, because she was unable to cope with the violence in the family. Although it was agreed by her grandparents and the mother that the stepfather perpetrated violence on her mother on a regular basis, their assessment was that the young woman should be able to cope. The Allowance was not granted on the grounds that she could live at home. A youth worker working with this young woman commented:

"Both sets of grandparents said that the daughter should return home because the domestic violence was not that bad and she could deal with that situation, even though at 15¾ years of age the daughter was saying very clearly, 'I do not want to see this violence any more. I do not want to have to be part of this system. I want to get out and start making a life for myself and I want to try and understand what is happening to my mother'. That was her very dedicated plea." (Fremantle Youth Service: Transcript of evidence, p 1294)

11.61 Some parents interpret the availability and access young people have to income support once they leave home as part of the undermining of parental authority.

11.62 As stated by one parent:

"You give the rights of privacy to these young children and the rights to have their stories believed, whether they are true or not, and you then withdraw those rights from the parents. I think that the way that the thing is administered means there is an awful lot of breadth given to stories from children." (A Folkerts: Transcript of evidence, p 1757)

11.63 The Salvation Army strongly represented the interests of children who were homeless and their right to adequate income support. While acknowledging the concerns of parents, a spokesperson for the Salvation Army stated:

"It seems to me that we do not question parents' propositions as hard as we question children's and young people's propositions about income support. We are very concerned about the rights of parents but sometimes we are not as concerned about the rights of young children." (Salvation Army: Transcript of evidence, p 824)

11.64 The Committee believes that young people do have the right to be listened to and believed in order that they are not

overlooked and exploited. This must be balanced by proper assessment procedures which make all possible attempts to verify and validate their claims.

Balancing the Responsibilities of the State and the Family

11.65 Children and young people are given the same human rights as adults under the Convention on the Rights of the Child, including: the right to protection from all forms of abuse, maltreatment and exploitation (articles 19, 32 and 34); the right to benefit from social security (article 26); and to an adequate standard of living for his or her 'physical, mental, spiritual, moral and social development' (article 27).

11.66 The Final Report by the National Council for the International Year of the Family states:

"... children's rights are constructed not only in relation to their parents for physical and emotional care, but also in relation to governments which are authorised and expected to provide a range of income supports and services which enable parents to carry out their duty of care, and to protect children and young people when parents abrogate their responsibilities."⁷

11.67 In underlining the importance of the family as well as the responsibilities of government, the Report concludes:

"The intention is clear: the rights of their children and young people can only be enforceable when families and governments are in partnership."⁸

⁷ The National Council for the International Year of the Family, op.cit., pp 241-242.

⁸ *ibid.*, p 242.

11.68 The National Council on the International Year of the Family also reported that during their consultations, concern was expressed about the 'anti-family' philosophy contained within the Convention. However, the Report said:

"Other participants however, expressed the view that this negative image, created by some groups and media commentators, is in fact a misrepresentation of the objectives of the Convention which seek first and foremost to ensure resources for families, so that they are enabled to protect the rights and developments of their children within a supportive community framework."⁹

11.69 The respective roles and responsibilities of the family and government in caring for children is at the heart of many of the concerns raised by several witnesses. Parent groups saw government either failing to support them or eroding their authority as parents. While the UN Convention on the Rights of the Child is frequently quoted by some parent groups as embodying this erosion of parents authority, the Committee believes that the Convention provides a clear role for government in supporting families with children. This was confirmed by the National Council on the International Year of the Family who said:

"... the considerable strength and promise of the Convention, whose key articles refer to the *shared* responsibility of parents and governments for child rearing and child development, through resource assistance to parents and guardians in the performance of their responsibilities. Only when parents are not fulfilling their responsibilities and where abuse or neglect, as defined by Australian legal systems, is shown to have occurred, are governments authorised to intervene on behalf of children."¹⁰

⁹ *ibid.*, p 240.

¹⁰ *ibid.*

11.70 The Report identifies the circumstances under which government has the right and the obligation to intervene in families:

"Similarly, the role of governments in partnership with families is to ensure that the rights of individuals, particularly those who are dependant or vulnerable, are protected and promoted. If the family fails to protect the interests and welfare of its members and becomes an instrument of violence, abuse or neglect, then governments have a clear mandate to act."¹¹

"When the responsibilities of families in nurturing, protecting and caring for young people break down, governments and the community in a just society have a clear obligation to provide adequate and suitable resources directly to the young person."¹²

11.71 The Committee believes that the UN Convention on the Rights of the Child is an instrument which can be used by the community to respond to many of the concerns expressed during the Inquiry. These are the lack of support to families and the inadequate and negligent responses of government to young people who are without family support.

11.72 Once incorporated into domestic law, the Convention should oblige governments to:

- . provide greater support to families in caring for children; and
- . provide superior care and protection to those young people who are not able to be cared for and nurtured within their own families.

¹¹ *ibid.*, p 236.

¹² *ibid.*, p 246.

11.73 The Committee strongly believes that the Convention provides the moral and legislative framework required to ensure that governments work together with families and the community to ensure that children and young people are more justly cared for and supported.

CHAPTER 12

MENTAL ILLNESS AND YOUTH HOMELESSNESS

12.1 A factor often overlooked when considering the causes of youth homelessness, which has a significant impact on the stability of family life, is that of undiagnosed and diagnosed mental illness. Some parents appearing before the Committee reported experiencing difficult and/or 'out of character' behaviour displayed by their son or daughter prior to leaving home.

12.2 Similarly, many youth workers discussed the difficulty of supporting disturbed young people who were residing in emergency accommodation services. While much of this evidence was anecdotal, the connection between mental illness and family breakdown and homelessness has been identified as an issue which must be considered in any examination of youth homelessness.

12.3 In order to analyse the validity of these concerns, the Committee called Professor Kosky, a child psychiatrist, as an expert witness. The professional expertise of Professor Kosky, as well as the knowledge and experience of the Human Rights and Equal Opportunity Commissioner, Mr Brian Burdekin, who has recently completed an inquiry into Mental Illness and Human Rights, are extensively referred to in this Chapter.

12.4 One of the ways in which the mental health needs of young people are becoming more clearly identified, is through the everyday experiences of youth and community workers. Many such workers

discussed the increase in the number of young people seeking emergency accommodation who either have a diagnosed mental illness or who are displaying difficult and challenging behaviour.

12.5 The lack of appropriate services for young people with mental illness is widely acknowledged by workers in the youth and health field. However, there is concern that the burden of working with them is being placed either entirely on families, or on youth workers and refuge workers who do not have the training and skills to be able to meet the specialist needs of these young people.

12.6 While mental illness is only one factor contributing to young people leaving home prematurely which may lead to long term homelessness, there is strong evidence of a clear link between the onset on mental disturbance and homelessness. The reluctance to diagnose mental illness among children and adolescents, as well as the paucity of services for these children and their families, is a major factor contributing to many of them ending up in shelters and continuing on the road to chronic homelessness.

12.7 The extent to which the National Mental Health Strategy and national mental health policy generally is meeting the needs of adolescents and families in this area will be considered. Many recent reports have recommended adolescent mental health be given a high priority in policy and program development by State and Commonwealth governments.

Extent of Mental Illness Amongst Young People

12.8 The link between mental illness and homelessness is not a new one. Surveys of homeless people in the United States, Britain and Australia over the last decade suggest that between one-quarter and

one-half of adult homeless persons are suffering severe and perhaps chronic mental disorder.¹

12.9 The trends in the number and proportion of the mentally ill among the overall homeless population determine the extent to which mental illness is considered to be a relevant factor in developing public policy responses to youth homelessness.

12.10 Recent trends in the homeless population confirm the following:

- . the proportion of young chronically ill has apparently increased as the proportion of older substance abusers has decreased;
- . there has been a marked shift in age distribution towards the young among single homeless people overall;
- . recent studies in Los Angeles and Melbourne suggest that mental disorders, including substance dependence, are now at least as common among young as among older men;
- . although surveys of homelessness include few women, the information available suggests that the rates of disorder are at least as high as those for men; and
- . women probably suffer higher rates of severe disorder.²

12.11 "The Royal Australian and New Zealand College of Psychiatrists (RANZCP) paper 'Psychiatric and Social Treatment Facilities for Adolescents', suggests that 15% of adolescents suffer from

¹ National Health and Medical Research Council, *Homelessness and Severe Mental Disorders*, Monograph Series No 2, AGPS, Canberra, 1991, p 4.

² *ibid.*, p 5.

psychiatric disorders 'warranting recognition' and 5% of adolescents suffer from disorders which 'warrant intervention'".³

12.12 The paper concludes that if these figures are accepted, this implies that, in Australia, there are approximately 246 500 15 to 20 year-olds who have disorders who would benefit from psychiatric intervention.⁴

"These estimates conform with US data which indicates that 90 percent of all psychiatric disorders have their onset in adolescence or early adulthood. Fifty per cent first affect young people between the age of 16 and 18."⁵

12.13 The Report into Human Rights and Mental Illness concluded that although there has been little epidemiological research conducted on the prevalence of mental illness among children and adolescents in Australia, there was substantial agreement about estimated levels of psychiatric disturbance in young people by experts presenting evidence to its inquiry.

12.14 Professor Robert Kosky confirmed this view in his evidence to the Committee:

"The biggest epidemiological studies and most authoritative studies have been done in the United States, but they have been replicated to some extent in Australia and we are looking at figures of between 10 and 15 per cent of the population of adolescents in Australia having mental health problems." (Prof R Kosky: Transcript of evidence, p 2725)

³ M Sawyer, et al., National Youth Affairs Research Scheme, *Mental Health and Young People*, National Clearinghouse for Youth Studies, Hobart, 1992, p 14.

⁴ *ibid.*

⁵ Human Rights and Equal Opportunity Commission, *Human Rights and Mental Illness*, Report of the National Inquiry into the Human Rights of People with Mental Illness, AGPS, Canberra, 1993, Vol 2, p 604.

12.15 He also identified other key demographic factors of mental illness among young people. These include:

- . that frank, severe mental health disorders such as schizophrenia, the depressive disorders and major anxiety disorders manifest themselves in the teenage years; and
- . about 50 per cent of all severe psychiatric illness is diagnosed by the age of 19; in fact the median age for 50 per cent of mental disorders is 16 years.

12.16 Drawing on the available research, there appears to be a well established link between homelessness and mental disorder. Some of the relevant research findings were outlined by Professor Kosky:

- . About one-third of homeless people living in shelters have schizophrenia and that most of these had never been treated... these percentages would be replicated in youth refuges with the large majority of young people with mental disorders never receiving appropriate treatment.
- . A Melbourne study by Reilly which studied people in supported youth accommodation concluded that even after excluding schizophrenic or psychotic young people, 50 per cent of the residents had diagnosable psychiatric conditions which were mostly dual conditions - anxiety or depression, with substance abuse. The study similarly revealed that very few of these young people had ever been treated.
- . A similar Queensland study found that 54 per cent of homeless adolescents they assessed scored in the clinical range of self-reported symptoms, as compared with five per cent of school

children in Queensland. Their average age was 15.8 years.
(Prof R Kosky: Transcript of evidence, pp 2726-2727)

Failure to Diagnose

12.17 Drawing upon his experience from the Mental Health and Human Rights Inquiry, Mr Brian Burdekin stated that there was a reluctance by clinicians to provide a diagnosis of mental illness for young people.

"Let me add as a final point that the median age of onset for mental illness is about 16. That is not generally known. The problem is that clinicians will tell you that they cannot give you a definitive diagnosis until 16 or later. It is not accidental that - in terms of the evidence earlier this morning - a lot of the young people have not been diagnosed. The clinicians simply will not give you a firm diagnosis." (B Burdekin: Transcript of evidence, pp 2253-2254)

12.18 The HREOC Report indicated that the reluctance by parents and mental health workers to identify a child or adolescent as being mentally ill often means that the young person remains untreated and ends up being referred to agencies and services which do not have the expertise to help.⁶

12.19 The issue of undiagnosed mental illness is of great significance given other evidence that: there is an increase in the numbers of disturbed young people seeking emergency accommodation; SAAP workers do not have the skills and expertise to adequately assist these young people; there is a lack of appropriate and available specialist services to which to refer these young people; and parents'

⁶ *ibid.*, p 607.

personal stories link young people leaving home prematurely with a later diagnosis of mental illness.

12.20 The consequences of not having appropriate assessment and referral services can mean that many mentally ill adolescents who have behaviour problems can get into very serious difficulty. Again quoting from the HREOC Report:

"Generally speaking, perhaps two-fifths of those with serious psychological disorders are considered to suffer from behavioural disorders. They drift into all sorts of negative lifestyles, sometimes via drugs and other forms of substance abuse - a lifestyle which makes them at risk of running away from home, becoming homeless..."⁷

12.21 Evidence given to the Committee by community organisations and parents indicates there is a significant number of homeless young people who are displaying more than merely rebellious behaviour. In fact, there is now considerable debate as to whether adolescence is a period which displays behaviour at variance to the range of behaviour exhibited in the general population. It has been suggested by some experts that there may be too great an acceptance of disturbed behaviour as somehow being 'normal'. The consequence of this view is that there is a reluctance to seek help.

12.22 A non-government organisation with a long history in providing care to children stated:

"... we have actually had an influx of referrals, many of whom we cannot accept because of the difficult behaviour of the kids. Our staffing levels are not adequate to deal with young people who have severe behavioural disturbances.

⁷ ibid., p 608.

But there is a general picture that the young people being referred to the types of accommodation are presenting with far more emotional and behavioural difficulties than before, such that the models of care that have traditionally been there are not able to cope with these young people in a way that we could in the past." (Centacare: Transcript of evidence, pp 2212-2213)

12.23 Some of the personal stories related by parents whose son or daughter had left home under difficult circumstances caused by behaviour problems, stated that some years later they had been given a diagnosis of schizophrenia. One parent described the process:

"My beloved daughter, was a lovely daughter and sister and excellent student. We were a close loving and caring family. When she became pubescent when nearly 15, something changed, virtually overnight. She was expelled from school, ran away from home, got a Young Homeless payment from Social Security and began the refuge circuit..." (Confidential Submission, p 635)

12.24 The parent's letter concludes:

"My daughter has since been diagnosed as suffering from schizophrenia (at the age of 19). I have been told the sooner she had received treatment the more hopeful the outcome. I am told that left so long before treatment was started her prognosis is very poor." (Confidential Submission, p 638)

12.25 When considering the link between mental illness and youth homelessness, there are many factors which warrant careful consideration. During the Inquiry, certain factors emerged which deserve particular attention. These are schizophrenia among young people and the relationship between drug use/ abuse and homelessness.

Schizophrenia

12.26 The Committee received evidence from several parents which establishes a clear link between homelessness and mental illness. Professor Kosky stressed the enormous strain experienced within families when one of the children has a mental illness. This is particularly true of schizophrenia.

"Schizophrenia can develop quite slowly, for instance, and if people are struggling with understanding what this strange, erratic behaviour and the out of character behaviour is in their child they can try all sorts of ordinary things that human beings will, but there comes a limit to their capacity to deal with that, and if they cannot access proper professional services then it will break down." (Prof R Kosky: Transcript of evidence, p 2732)

12.27 Professor Kosky concluded that family breakdown frequently occurs because of the inability of the family to cope with such an illness and in the absence of adequate specialised support.

"It is often not recognised in the case of young homeless, for instance, that families break up because of the child, because of the impairment in the young person. Parents are simply bewildered by what is happening, and what is happening with the child may have nothing to do with the parents, that it is coming from a process of psychosis or something else which is happening in the young person. The parents struggle to try to deal with that until finally they cannot deal with it and the child leaves home. I think clinically we would say that with a considerable proportion of the homeless young people, that I am talking about, the family has broken down because of the illness rather than because of any inadequacies on the part of the parents. I think that is an important point to make." (Prof R Kosky: Transcript of evidence, pp 2731-2732)

12.28 Professor Kosky's comments underline the fact that family breakdown is often one consequence of the presence of mental illness which is undiagnosed and untreated.

12.29 There is a need for a greater degree of knowledge and skills among school counsellors and youth and family workers in detecting early signs of mental illness. Many of these workers may have contact with these young people in the early stages of their illness. Improved training would ensure that the signs of mental illness may be more accurately assessed and both parents and young people would be offered the specialist services required at an earlier stage.

12.30 While not all situations ending in homelessness are related to mental illness, many parents reported that prior to their son/daughter leaving home, there had been considerable contact with a range of school/family counsellors and other services. The opportunity for early intervention would be increased if staff were trained to be aware of the signs of the onset of mental illness.

12.31 The importance of early intervention also requires that professional staff within the Departments of Social Security and Employment, Education and Training receive training to update their knowledge in the area of mental illness among young people. This link between homelessness and mental illness also makes it imperative that only professional staff should be involved in the assessment of claims for youth homeless payments, due to the importance of ensuring that competent assessment and referrals are made.

12.32 The Committee also recognises that non-compliance with medication and treatment regimes poses considerable problems for staff in government departments and community agencies who are working with young people who have a mental illness.

12.33 The Committee recommends that training resources be made available to all front line youth and family workers in government and non-government agencies, to improve their knowledge and skills in the area of mental illness and young people.

12.34 The Committee recommends that national standards for competencies for all youth workers and family support workers include knowledge and skills in recognising signs of mental disturbance, as well as alcohol and drug abuse among young people.

Substance Abuse

12.35 The Committee did not receive a great deal of information about substance abuse, although several of the parents whose children had left home reported a high incidence of drug and alcohol use both prior to their child leaving home, often intensifying once they had left home.

12.36 Research has identified certain high risk groups among the adolescent population who are drug users.

"Specific groups exhibiting, or at risk of developing, harmful or hazardous drug use patterns may be identified early and interventions successfully applied. At-risk groups include the 1-2% of 14-15 years old school students whose drug use is already hazardous or harmful, homeless youth (especially those with borderline intellectual impairment), some Aboriginal adolescents, some adolescent females, young male drink drivers, and adolescents living in households where there is a parental alcohol or drug problem."⁸

⁸ R Kosky, et al. (eds), *Breaking Out: Challenges in Adolescent Mental Health in Australia*, AGPS, Canberra, 1992, p 62.

12.37 The drugs most commonly used by Australian adolescents are tobacco, alcohol and analgesics. However, the use of a range of drugs by the young homeless population is more significant. Recent work on adolescents and alcohol and drug use documents that:

"A small proportion of Australian adolescents use other illicit drugs (eg. hallucinogens, cocaine, amphetamines, heroin). Based on school surveys, less than 1% of 11-16 year old students use illicit drugs, other than cannabis, on a weekly basis. However, the use of a range of drugs, often simultaneously, by homeless youth mark this group as high risk for long and short term health problems. The Burdekin Report found that homeless youth use '...the full spectrum of both illicit and licit psychoactive drugs'."⁹

12.38 Other studies highlight high risk behaviour of some young people who are still at school and still living with their families:

"Modern surveys have consistently identified approximately 1-2% of adolescents at the Year 10 (i.e aged 14-15 years) whose pattern of alcohol and other drug consumption is already harmful."¹⁰

12.39 The authors of this article express particular concern about the lack of response to the incidence of drug use among school children and the fragmentation of services. They say:

"In schools they may be identified as having learning problems, in welfare services as having family relationship or delinquency problems, and in health services as having emotional problems. Drug and alcohol agencies tend to

⁹ *ibid.*, p 68.

¹⁰ *ibid.*

respond only to the most obvious drug using adolescents such as those who regularly inject."¹¹

12.40 Research by John J. Reilly, reported in the *Medical Journal of Australia*, indicates that there is a close relationship between depressive disorders and substance use disorders among the homeless.

"Young people with experience of homelessness have a high prevalence of depressive disorders and substance use disorders, particularly alcohol and cannabis dependence. Despite this they have a low rate of service use. These findings suggest a need for closer interaction between mental health professionals and other agencies in the planning and provision of services to young homeless people."¹²

12.41 It is clear that alcohol and drug use is a factor contributing to family breakdown and eventual homelessness. However, early intervention in this area would require a greater role by schools and teachers. This includes not only education programs, but also a role for school counsellors to work together with parents in making referrals to appropriate services, once problems have been diagnosed.

The Inadequacy of Resources and Services

12.42 The widely held view of practitioners working with disturbed young people is that the policies, services and resources for these young people and their families are grossly inadequate.

¹¹ *ibid.*, pp 68-69.

¹² J Reilly, et al., 'Psychiatric disorders in and service use by Young Homeless people', *The Medical Journal of Australia*, vol 161, 3 October 1994, p 429.

12.43 After considering the issues concerning human rights and mental illness among children and young people, the HREOC Report concluded:

"... the overwhelming picture is one of inadequate funding, inadequate provision of facilities, inadequate staffing, inadequate training of health and other workers, inadequate inpatient care, inadequate community and home-based care, inadequate coordination between agencies, inadequate knowledge, inadequate research, inadequate data collection and inadequate commitment to the establishment of prevention and intervention services."¹³

12.44 Despite the Government's commitment to a National Mental Health Strategy, the Committee found it difficult to get a estimate of the resources and programs being devoted to adolescent mental health from the information provided by the Department of Human Services and Health, let alone the State governments. To what degree the Strategy specifically addresses the identified inadequacies is not clear from the evidence available to the Committee.

12.45 Professor Kosky expressed grave concern about the low priority given to the mental health of children and adolescents by the States. The mental health needs of young people was identified as a top priority in the consultations leading up to the establishment of the National Mental Health Strategy. However, Professor Kosky stated that despite the implementation of the Strategy, there was no sign of any shift occurring which distributed health resources more equitably to young people.

"I believe that the top priority has been shifted away from young people and early intervention cases into chronic illness problems [of older people]. I feel very concerned about that because it is not what came up in public

¹³ *Human Rights and Mental Illness*, op.cit., 1993 p 647.

discussions and consultations. I do not know how that has happened exactly but it seems to have happened." (Prof R Kosky: Transcript of evidence, p 2736)

12.46 He was extremely critical of the limited resources allocated to young people in this field.

"I can tell the Committee that less than seven percent - and usually less than five percent - of the total mental health government dollar at state level in all states is given towards children and adolescents. The rest of it goes to adult services, and that is really very cockeyed, when you look at the epidemiological figures. As a result, of course, only the barest minimum of services could be put in. Large areas of young people who need help are simply neglected: the school system, the juvenile justice system, Aboriginal groups, ethnic groups - you can go on, because the resources are not there." (Prof R Kosky: Transcript of evidence, p 2726)

12.47 The Committee recommends that the National Strategy on Mental Health urgently address the mental health needs of children and young people by redressing the current inequities in mental health funding, which substantially disadvantages children and young people in their access to services and facilities.

12.48 The Committee recommends that a separate National Strategy on Mental Health be developed for children and adolescents, in order to clearly identify the objectives, goals and benchmarks established for this group.

12.49 Mr Burdekin voiced his concern at the recent closure of some services for young people who have mental health problems and psychiatric disabilities. Young people, together with the elderly and Aboriginal people were, he considered, "probably your foremost

disadvantaged groups in terms of being able to access services."
(B Burdekin: Transcript of evidence, p 2253)

12.50 The Australian Youth Policy Action Coalition is critical of the Commonwealth Government's efforts in this area.

"AYPAC continues to be concerned at inaction on the part of the Federal Government over the issue of mental health and young people. The issues within this area need to be addressed as a matter of priority by the Federal Government through the development of a comprehensive national strategy incorporating appropriate policy and programs. Increased resources and services specifically targeted at young people are urgently needed."¹⁴

12.51 The Committee recommends that a national benchmark be established, to stipulate the percentage of the mental health budget which will be spent on mental health services and facilities specifically for children and young people by Commonwealth and State/Territory governments.

12.52 The Committee recommends that each State and Territory report annually to the Child and Youth Bureau on achievements against the mental health objectives identified for children and adolescents.

12.53 The Committee recommends that urgent attention be given to developing the NHMRC's work on the National Strategy for Suicide Prevention.

12.54 The lack of services for young people with mental illness was highlighted in evidence from community organisations and parents. Such problems included the difficulty in finding appropriate

¹⁴ Australian Youth Policy and Action Coalition, Budget Paper, Dec-Jan 1995, p 11.

services, the lack of psychiatrists and other specialist mental health staff, long waiting periods for assessment and treatment and the inappropriate placement of young people, due to the lack of facilities.

12.55 One parent told the Committee of her experience in trying to find help, after learning that her daughter had a drug and alcohol problem:

"This was my first experience, so I had no idea of where to go. I got the white pages and started going through what was there. Once your child who has a drug or alcohol problem comes to you and says, 'I want you to help me', you really have nowhere to go in the Campbelltown area. I could not find anywhere to go. There is no counselling and there are no detox units for teenagers. At 17 my daughter went to Melbourne because Odyssey House was the only place she could go. In New South Wales there is nothing." (M Proud: Transcript of evidence, p 2389)

12.56 Mr Brian Burdekin stated that:

"... there were virtually no services for young people who had an intellectual disability and a mental illness, or who had a substance abuse problem and a mental illness". (B Burdekin: Transcript of evidence, p 2276)

12.57 Youth workers expressed their concern at the lack of appropriate mental health services for young people and the pressures it put on youth accommodation services.

"I guess it is our perception that no one is picking up on the particular needs of those young people and so they do float around the system. They are the ones that it is the most difficult to house. They are the ones that find it most difficult to sustain their accommodation and the ones that give us quite a big headache because they wear out all of their options in other services... No-one is picking up on

their emotional needs or their behavioural needs." (K Lord: Transcript of evidence, p 1699)

12.58 As a result of the inappropriate placement of many of these young people, staff working with young people with mental health problems are often inadequately trained. The 1993 HREOC Report recognised the need for more post-graduate training, more intensive training, and a greater expectation that staff will be familiar with scientific literature relevant to their work.

12.59 However, the fact that many young people with mental health problems end up in SAAP services, raises more fundamental questions about the ability of accommodation/youth workers to provide effective support.

12.60 The lack of accommodation for homeless youth with mental illness was identified as a key issue by community organisations during the Inquiry. Young homeless people with mental illnesses impose considerable strains on youth services and refuges. This is often compounded by consideration of safety issues for other residents who may be as young as 13 or 14 years of age. The connection between behavioural problems and mental illness is a difficult one, which many staff in community based organisations do not feel competent to assess.

12.61 One youth worker in Newcastle stated:

"I think there is a lot of grey area there. We have had a few present with a diagnosed mental illness and are then identified as mentally ill after they have been accommodated or they develop their condition while they are within the service, because they have never been correctly assessed." (Newcastle Youth Accommodation Service: Transcript of evidence, p 2237)

12.62 Youth workers also point to the lack of staff resources in refuges to adequately provide support and supervision for young people who have mental illnesses.

12.63 The pressure on SAAP services was well illustrated by the comments of a youth worker in Brisbane:

"... young people who have a mental illness, you just cannot get them in anywhere. We have had young people accommodated with us who have attempted suicide every day over a period of five days, will present at the hospital for assistance, the doctor sees them, patches them up and sends them back home, and then the next day that young person presents again. There are just no facilities for young people like that and we do not have the resources to accommodate young people like that - they need specialised care." (BABI: Transcript of evidence, p 641)

12.64 Mr Burdekin also expressed concern at the way in which SAAP services and other community organisations were expected to deal with difficult and disturbed young people.

"... a lot of the homeless young people we were seeing in that inquiry who were described as very difficult not only had serious behaviour problems or emotional problems in some cases but, in my view, clearly, on the evidence the more you looked at it, had mental health problems.

I think it is inexcusable that we are marginalising many of those young people and in a number of cases in several states they are being flick passed to either crisis refuges or other voluntary organisations in the community or community based groups, who simply do not have the training or the resources to support those young people or to adequately assist them." (B Burdekin: Transcript of evidence, p 2250)

12.65 The Committee has serious reservations about the appropriateness of youth accommodation services for many of these young people. Staff are often unskilled and unsupported in the work that must be done.

12.66 Furthermore, the introduction of case management into SAAP services could lead to an expectation that workers can provide a greater level of intensive care to these young people than occurs at present. However, there needs to be some caution in this approach.

12.67 There is a strong probability that because of the inadequacy of mental health services and poor assessment and referral skills, many young people with a mental illness are finding their way into SAAP services.

12.68 This highlights the problems caused by fragmentation at the policy level as well as at the service level. The separation of SAAP services from the health portfolio continues to fragment the approach to youth services in this area. The interrelationship between homelessness and mental illness requires the involvement of both departments in any national strategy. The extent to which this is being done was not made known to the Committee.

12.69 The Committee recommends that all relevant Commonwealth departments address the mental health issues of youth homelessness in their policy and program development.

12.70 The Committee recommends that the Department of Human Service and Health ensure that all other Commonwealth departments providing services to young people are represented on any National Mental Health Policy group focussing on young people.

12.71 The Committee recommends that the Department of Housing and Regional Development and the Department of Human Services and Health urgently consider and report on:

- 1) the appropriateness of SAAP services for young people with diagnosed mental illnesses;
- 2) the development of specialist residential services for young people with mental illness and/or challenging behaviour;
- 3) the knowledge, skills and training required of staff to work with such young people;
- 4) developing appropriate skills among SAAP workers to more effectively assess and refer young people who may require mental health services; and
- 5) the appropriateness of case management for these young people within the SAAP environment.

12.72 While services for young people with mental illness were severely limited in metropolitan areas, the situation is, of course, worse in country and remote communities. Mr Burdekin told the Committee that there was a strong correlation between high rates of youth suicide and the lack of mental health services.

"It is not, in my view, in any sense accidental that our highest youth suicide rate is precisely in those areas where we have virtually no mental health services. This may have changed slightly since we did the inquiry but, quite frankly, it will not have changed much... In most states, there are no services to access outside the capital city." (B Burdekin: Transcript of evidence, pp 2264-2265)

12.73 The Committee recommends that Commonwealth and State/Territory funds be made available to establish mental health outreach teams in rural and remote communities.

12.74 Findings from a recent report by the National Youth Affairs Research Scheme on Mental Health and Young People, 1992 found that:

"The most frequently mentioned gap in mental health services was an absence of residential facilities for young people... Particular groups of young people were felt to lack adequate access to mental health services. These included young people living in rural areas, disadvantaged young people such as street kids, Aboriginal young people, young people who belong to minority ethnic groups and young people with conduct disorders."¹⁵

12.75 Some parts of Australia have difficulty in attracting qualified psychiatric staff. In Tasmania, the State Program Coordinator, Child Family and Community Support Program within the Department of Community and Health Services, commented:

"I think one of the acknowledged issues in mental health services in Tasmania is the difficulty of attracting clinical professionals in that area. We have had a struggle to fill some vacant child and adolescent psychiatry positions, and that is still going on... in terms of maintaining their links with professional areas it does not seem to be something that appeals to psychiatrists." (Department of Community and Health Services (TAS): Transcript of evidence, p 1654)

12.76 Similar problems were identified in Darwin. One community organisation commented:

¹⁵ M Sawyer, *op.cit.*, p vii.

"There is a gap in the services at the critical end of things. I have been up here 12 years and I have been really conscious that there is a huge gap... There have been times when there have been no psychiatrists in Darwin at all. Most commonly psychiatrists will come up for three-month stints at the hospital. Discontinuity of treatment results for people who are doing programs with these people..." (Anglicare NT: Transcript of evidence, p 1597)

12.77 The HREOC Report heard evidence indicating that there is an acute problem of staff shortages in child and adolescent psychiatry in every State and Territory.¹⁶

12.78 The Committee recommends that the Commonwealth, in conjunction with the States and Territories, develop a strategy to attract and retain qualified child and adolescent psychiatrists, both in urban and rural areas in Australia.

Early Intervention and Mental Illness

12.79 The incidence of mental illness among young people, is a compelling reasons for allocating resources to this area. A comment in a recent article suggested:

"Adolescence is a most adaptive and hopeful age and the multi-disciplinary assessment and management of young people with school failure, who also have psychiatric disorder, most often leads to positive outcomes that benefit the teenager, their family and the school and wider community."¹⁷

¹⁶ *Human Rights and Mental Illness*, op.cit., 1993, p 622.

¹⁷ J Haliburn (ed), *Annals of the Australian Society for Adolescent Psychiatry*, no 1, The psychiatric aspects of school failure, National Clearinghouse for Youth Studies, Hobart, August 1993, p 5.

12.80 However, it is also recognised that early intervention in this area must be proceeded with carefully because of the damage which could be done by giving a young person a mental illness diagnosis. Yet, at the same time, the failure to diagnose and intervene with the appropriate level of knowledge and skills can also have devastating long term consequences for young people. So the balance has to be carefully judged.

12.81 There is growing optimism amongst psychiatrists about the value of early intervention. Professor Kosky stated:

"... I would say that most trained professionals would be able to make the diagnosis at a relatively early stage... In fact people, colleagues of mine, are talking about recovery. So what we are really faced with is how to prevent young people drifting into a non-treatment situation, such as shelters, when they can be given adequate treatment. How you prevent that is the question." (Prof R Kosky: Transcript of evidence, p 2733)

12.82 Professor Kosky also spoke of the innovative work being done in Melbourne and Adelaide in the establishment of an early psychosis unit for young people where diagnosis could be made. These young people remain at school, receive medication and rehabilitation and are returned home as quickly as possible. The results of this work indicates that it is possible for young people to remain in their homes and families and on very low levels of medication if intervention is provided at an early stage.

12.83 The Committee strongly endorses the recommendation made by Professor Kosky, that an early psychosis unit be established in every city. Resources should be put into developing appropriate treatment services for certain groups of young people who are now residing in temporary youth accommodation services around Australia.

12.84 The Committee recommends that funds be made available, from the mental health budget, for the immediate establishment of early psychosis units for young people in each capital city in the first instance. This is to be accompanied by a full evaluation of the effectiveness of such services as early intervention models.

Need for Further Research

12.85 The 1993 HREOC Inquiry was told that there was an urgent need to undertake research in the area of adolescent mental health in Australia. The lack of accurate data makes it difficult to plan effective intervention strategies, appropriate treatment services and to allocate resources effectively and equitably.

12.86 The Committee was encouraged to hear from Professor Kosky that he and his co-workers are involved in the first longitudinal study of indicators of adolescent mental health in Australia. This study, entitled "Australian Adolescent Mental Health Surveillance" is based on similar survey work conducted in the USA since 1991, which provides data on the well-being of American adolescents. It is proposed to conduct the survey each alternate year over six years by providing a questionnaire for adolescents from Year 8 to year 12, in a representative sample of Australian schools. The project is being funded by the National Health and Medical Research Council and the Australian Youth Foundation. However, a longer term funding commitment is still to be determined.

12.87 The objectives of the survey are:

- to provide base line data on mental health and health risk behaviours for a representative national sample of Australian adolescents;

- . to monitor the levels of these indicators over time; and
- . to begin to track national mental health targets for adolescents.

12.88 In outlining the direction of the survey, the authors comment:

"We have begun a series of studies aimed at measuring the burden on families, schools, health and welfare agencies and the community in general of problems in child and adolescent mental health. We believe that many of these costs are borne by families and are currently hidden. It is quite unclear whether, for instance, a greater burden of care occurs with depressive illnesses or with conduct disorders."¹⁸

12.89 The Committee strongly endorses the objectives and scope of this longitudinal study and believes it will provide valuable data on which to better evaluate the mental health of Australia's adolescents.

12.90 The Committee recommends that the Commonwealth government ensure that adequate funding is provided for the Australian Adolescent Mental Health Surveillance, in order that Australia establishes a data base on the mental health of adolescents which will inform public policy and budget decisions.

12.91 The Committee recommends that research funds be made available to explore the relationship between youth homelessness and mental illness.

¹⁸ R Kosky & M Sawyer, *Australian Adolescent Mental Health Surveillance*, Department of Psychiatry, University of Adelaide, March 1994, p 14.

CHAPTER 13

SPECIAL NEEDS GROUPS

13.1 This Chapter identifies a number of groups who have special needs which must be understood and appreciated in developing policies and services to respond to homelessness among young people. These groups are:

- . Aboriginal and Torres Strait Islander young people;
- . young people from non-English speaking backgrounds;
- . young people from regional, rural and remote areas; and
- . gay and lesbian young people.

13.2 The Committee acknowledges that many of the reasons for homelessness already identified are relevant to the lives of these young people. However, there are additional barriers faced by these groups which require more specific responses, particularly by mainstream programs, to ensure the goals of access and equity are achieved. The purpose of this Chapter is to heighten the awareness of the needs of these groups which are easily marginalised when dealing with the issue at a national level.

13.3 The Committee was disappointed at the lack of evidence received from Aboriginal and Torres Strait Islander and NESB organisations about the issues of family breakdown and youth homelessness within these communities. In addition, little information

about their particular needs was provided by mainstream government departments and by community agencies generally. As the Inquiry has little direct evidence to draw upon, recent research and reports are referred to in order to build a more comprehensive picture of the issues.

13.4 The needs of regional, rural and remote communities was pursued to some extent through public hearings held in Campbelltown, Cairns and Toowoomba. In addition, submissions were received which described the range of problems and lack of family and youth services in several country areas of Australia.

13.5 The link between sexuality and homelessness was raised in a submission by the Tasmanian Gay and Lesbian Rights Group. Further examination of the issue and the availability of services for this group of young people is explored and briefly covered in this Chapter.

Rural and Remote Communities

13.6 The diversity in the range of rural and remote locations throughout Australia makes the provision of social services particularly challenging for all levels of government.

13.7 Support services and resources for rural communities are thin on the ground. While referrals to services in regional centres does occur, most community organisations report that they are unable to provide the necessary access and ongoing support required.

13.8 In Toowoomba, the Committee was told that it was almost impossible to service smaller towns due to the lack of resources of service providers, including volunteers. This problem is compounded by economic problems being experienced in all rural communities, making

it impossible to attract the necessary voluntary commitment required to run community based services.

13.9 A member of St Vincent de Paul, from a small country town outlined the difficulties experienced by volunteers in these small communities following incidents of abuse and family violence, when government services and professional support staff are not available.

"I might get a case where I might end up with a couple of young children in the early hours of the morning, because of the fact that there has been maybe some form of disturbance, whether it be alcohol or something like that. If I am called in and I have two young children at two o'clock in the morning, what do I do with them?

... But it is just up to people such as myself with the cooperation of the police and the local ministers, in that we do form a system; and there is the fact that some of us welfare workers have very good families who will allow us to do these things in the middle of the night. Basically, we use the resources within the town in those sorts of situations."
(St Vincent de Paul: Transcript of evidence, pp 2499-2500)

13.10 The lack of family support services for families in small rural communities was seen by local community service providers as contributing to family breakdown and youth homelessness. A submission from a worker in a neighbourhood centre commented:

"In my opinion, support for the family unit, is a need that is sadly lacking within our community... In many cases, families are dissolving unnecessarily, because there is not enough adequate support to assist people work through their difficult period. Young people are often the innocent victims...neglected and ignored during times of family upheavals. The issue is very complex and sensitive."
(Singleton Neighbourhood Centre Inc: Submission, p 396)

13.11 Another submission from a youth service in the Foster/Tuncurry area of NSW, which is experiencing rapid population growth with the area being settled by young families, outlined the scarcity of resources and the difficulties members of the community have in accessing mainstream services:

"The area is poorly serviced for families and young people experiencing difficulties. Welfare Services for young people in the Shire consist of a Drug and Alcohol Worker at Community Health, Youth Development Officer, Youth Accommodation Support Worker. A Family Counsellor from Taree services Forster/Tuncurry one day per week. There is no emergency accommodation.

Forster High School has visiting School Counsellors for 2½ days per week, and a teacher responsible for student welfare for 3 hours per week.

Social Security operates an agency in Forster one day per week. The CES operates an agency from 9-12pm, 5 days per week. Most contacts with the Department of Social Security and CES are made at Taree, 40 kms away. The nearest Austudy centre is 170 kms away in Newcastle." (Home Base Youth Service: Submission, p 545)

13.12 Given the lack of a DSS or CES presence in some rural communities, there was considerable support from witnesses for both DSS and DEET being able to act as agents for each other in assessing the homeless rate of payment for young people who may be looking for work, undertaking training or in full time education.

13.13 The difficulties experienced by rural communities in regard to this was outlined:

"Youth Workers and Teachers found that Homeless Austudy was notoriously difficult to obtain. It was considerably quicker and easier for young people to leave school and

access Social Security payments than to remain at school and obtain Homeless Austudy." (Home Base: Submission, p 546)

13.14 The Committee urges that the Departments of Social Security and Employment, Education and Training continue to improve access to their services in rural and remote areas. For young homeless people, it is essential that both departments develop procedures which allow either DSS or DEET to undertake the assessment of claims for the homeless rate of payment, whether the young person is looking for work or undertaking training or is a full time student.

13.15 Many rural and remote communities lack the essential service infrastructure required to support young people and their families. If family support services are thin on the ground in major centres, they may be practically non-existent in rural parts of Australia. While local community support networks still exist in rural and remote communities, the changing social and economic circumstances in these communities no longer provides the safety net it once did for people when they are in crisis.

13.16 The Committee was told that even when families identify that they need assistance with problems, there is a dearth of professional support services, such as counselling and mediation.

"Even with the fact that we have two trained counsellors in town, it is extremely difficult sometimes to get an appointment when you need an appointment and that appointment is virtually needed there and then.

... I am not a trained counsellor... I try to do the best I can. I try to make them feel comfortable and know that someone cares about them, but as far as the trained counselling, we try to refer them on. It is not there all the time." (St Vincent de Paul: Transcript of evidence, p 2501)

13.17 The consequences of the lack of national policy coordination is more starkly felt in remote and rural communities. Economies of scale, however, make the integration of a range of youth and family related services more appropriate. It is impossible for each Commonwealth government department to set up its own individual service in these areas, but an integrated community service model combining a range of programs is possible.

13.18 The Committee endorses the recommendation of the National Youth Coalition for Housing which says:

"That young people in small rural and remote communities be enabled to access housing-related information, support and services through the establishment of regional accommodation outreach programs nationally. That this occur through a new interdepartmental program coordinated through the Youth Social Justice Strategy, with contributions from DEET, the Department of Human Services and Health, Attorney General's Department and DSS." (NYCH: Submission, p 111)

13.19 The Committee recommends that the major Commonwealth Departments involved in providing specific services to young people and families (the Departments of Social Security, Employment, Education and Training, Attorney-General's, Human Services and Health and Housing and Regional Development) develop an integrated model of service delivery for rural and remote communities.

13.20 The Committee recommends that the Departments of Social Security and Employment, Education and Training take immediate steps to ensure that local offices of Social Security and the Commonwealth Employment Service in remote and rural communities are able to receive and assess all claims for income support at the homeless rate made by young people.

Youth Suicide

13.21 The Committee draws attention to the high rate of youth suicide among young males living in rural Australia. Data illustrates that the youth suicide rate (15-24 year olds) is higher in rural areas than in urban areas. The HREOC Report on Mental Illness identified the following factors which contribute to the relatively high levels of suicide among young rural males:

- . rural economic downturn and the corresponding decline of many country towns and farm properties;
- . high levels of unemployment and increasing poverty;
- . isolation from further educational opportunities;
- . family financial hardship and rising levels of stress;
- . ready access to firearms;
- . increasing levels of domestic violence and alcoholism within many families; and
- . inadequate mental health and counselling services.¹

13.22 This issue is also covered in the previous Chapter.

¹ B Burdekin, et al., Human Rights and Equal Opportunity Commission, *Human Rights and Mental Illness*, Report of the Inquiry into the Human Rights of People with Mental Illness, AGPS, Canberra, 1993, Vol 2, p 639.

Homelessness Amongst Young Indigenous Australians

13.23 The causes and nature of homelessness among young Aboriginal and Torres Strait Islanders are complex. Indigenous Australians are subject to the same social and economic forces which contribute to all young people becoming homeless, such as the increasing incidence of family breakdown, high levels of youth unemployment and family poverty.

13.24 However, the circumstances of indigenous Australians are also influenced by to cultural change within their communities which continues as a legacy of colonisation and has impacted on family and community functioning. The effects of European settlement of Australia are still being felt within Aboriginal communities and is reflected in the disproportionate representation of Aboriginal people in all social indicators of social and economic disadvantage.

13.25 The social and economic deprivation of indigenous Australians is well documented and obviously contributes significantly to the high incidence of a range of social problems such as youth homelessness. These include:

- the Aboriginal and Torres Strait Islander population has been growing at twice the rate of the overall population;
- the median age at the time of the 1991 Census was under 20, compared with over 30 for the total population;
- in 1991, the unemployment rate for Aboriginal and Torres Strait Islander people was 2.8 times the national average;
- long-term unemployment and under-employment remain very much higher than for other Australians;
- average indigenous incomes have not improved relative to other Australians;

- . health remains a major area of concern, with most of the available indicators - life expectancy, incidence of diseases, and so on - showing little sign of significant improvement relative to the overall population, and life expectancy remains 18-20 years less than for non-indigenous Australians;
- . unfilled demand for housing and community amenities and services of even the most modest standards remain high;
- . nearly 1 in 4 indigenous households with dependants are headed by one adult (of whom 86 per cent are women) compared with 1 in 2 for non-indigenous Australians; and
- . Aboriginals and Torres Strait Islanders continue to be grossly over-represented among incarcerated Australians."²

13.26 While Aboriginal children and young people experience the same social conditions as other young Australians, this experience occurs within a particular cultural context which must also be understood if policies and programs are to respond appropriately to their needs.

13.27 The meaning of the family, family networks, obligations and expectations are specific to a particular culture. The definition of 'homelessness' itself can be problematic in an Aboriginal context, given different understandings of the extended family relationships and responsibilities.

13.28 A witness for the Northern Territory Government outlined the difficulty in defining homelessness within the Aboriginal and Torres Strait Islander community. He said:

² *Social Justice for Indigenous Australians 1994-95*, Hon Robert Tickner MP, Minister for Aboriginal and Torres Strait Islander Affairs, 1995, pp 1-2.

"We have actually funded some research in the past where we have hired appropriate people to have a look at - I am moving more into the teenager, the 12- to 18-year-old, group - the concept of homelessness and does that word mean anything in an isolated Aboriginal community as we define that community? The basic answer is no, it does not. The concept is anachronistic." (Northern Territory Department of Health and Community Services: Transcript of evidence, p 1575)

13.29 The Department of Social Security acknowledged the lack of fit of the formal definition of homelessness, when applied to the Aboriginal and Torres Strait Islander culture:

"The understanding of the concept of 'homelessness' in Aboriginal and Torres Strait Islander terms does not necessarily correlate with the definition used by the Department for YHA purposes. Many unattached Aboriginal young people would not define themselves as 'homeless', as they receive shelter in a home of their extended family. This shelter may not be long term, may be in an overcrowded and poor household, and may not include any emotional support similar to that normally provided by parents. However, the young person and their extended family would not describe the young person as being 'homeless', rather as 'unsupported' or 'unparented'. (DSS: Submission, p 292)

13.30 However, it is equally important not to assume that the needs of Aboriginal children can be met within the extended family network without additional support. The HREOC inquiry into youth homelessness noted that the extended family can be exploited, that additional stress can be put on housing and budgets when extra family members are being cared for and that young people with behavioural difficulties pose enormous problems for the Aboriginal community.

13.31 The breakdown of the traditional Aboriginal family was also identified in the HREOC inquiry:

"In a number of urban centres the Inquiry heard evidence that the extended family system is breaking down and unable to offer the same physical and emotional sustenance to young people in need."³

13.32 The Committee was told that extended family members at times took on the responsibility for a child but were often unaware of Social Security family payments which would assist them in this task. In these circumstances, families experienced financial hardship which put added pressure on the capacity of the family to support the young person on a long term basis. The Aboriginal Legal Service commented:

"Quite often kids are in care of an aunt or someone and they are not getting all the various allowances for the dependents. This is an issue. A lot of services like community legal centres and us see that families who may be caring, are not getting the full entitlements, and that is adding to the pressure of not coping, plus other reasons." (Aboriginal Legal Service WA: Transcript of evidence, p 1243)

13.33 The Department of Social Security also acknowledged that the extended Aboriginal family network arrangements frequently resulted in families not claiming and receiving their appropriate entitlements when caring for additional children.

"Frequently the 'carer' in this situation will not claim their Departmental entitlements in respect of the child or children, as this may jeopardise the DSS payments of the young person's parents. As a result the young person experiences hardship and poverty." (DSS: Submission, p 292)

³ B Burdekin, et al., Human Rights and Equal Opportunity Commission, *Our Homeless Children*, Report of the National Inquiry into Homeless Children, AGPS, Canberra, 1989, p 130.

13.34 The Committee recommends that the Department of Social Security ensure that all assessments of Young Homeless Allowance include an examination of existing extended family networks of young people in Aboriginal and Torres Strait Islander communities.

13.35 The Committee recommends that the Department of Social Security thoroughly review the entitlements of Aboriginal and Torres Strait Islander family members, including extended family members, who are caring for a young person, to ensure they are receiving their full income support entitlements.

13.36 The Committee recommends that the Departments of Social Security and Employment, Education and Training work closely with local Aboriginal organisations and communities to develop appropriate models of service delivery for young Aboriginal people claiming the homeless rate of income support.

13.37 The Committee recommends that Departments of Social Security and Employment, Education and Training ensure that all officers involved in the assessment of eligibility for the Young Homeless Allowance and AUSTUDY at the Student Homeless Rate receive adequate training, taking into account cross-cultural sensitivity, in the relevance of family structures and relationships within Aboriginal communities.

13.38 The Committee recommends that the Departments of Social Security and Employment, Education and Training consult with ATSIC in determining the appropriateness of the definition of 'homelessness' used in determining eligibility for payments of income support for young people from within the Aboriginal and Torres Strait Islander communities.

13.39 The challenge for policy and service delivery in this area is both to recognise and respect the cultural differences of the Aboriginal and Torres Strait Islander community as regards family relationships and responsibilities and also to ensure that children and young people are cared for and protected from violence.

Lack of Family Support Measures

13.40 Concern was also expressed at the lack of family support measures to deal with the problems of Aboriginal youth. The Aboriginal Legal Service in Western Australia was particularly critical of the focus on juvenile justice solutions. This is an important issue within Aboriginal communities due to the high level of incarceration of young Aboriginal people in youth detention centres.

"We are concerned that the government seems willing to spend money on things like boot camps... We currently have about 100 beds in two detention centres and they are planning to double that capacity to 200 and spend \$40 million building such a detention centre. If there is money to throw around at those sorts of solutions and those types of facilities, then surely some of that money could be better thrown at the sorts of services that we think are appropriate. The outcomes in the area of offending as well as the area of homelessness or substance abuse would, I think, be much better.

If the effort is not put into the welfare and the support side, the money and the energy is going to very much go into the policing and justice side, which we do not think is appropriate." (Aboriginal Legal Service WA: Transcript of evidence, pp 1235-1236)

13.41 On a more positive note, the Committee notes the developments in the area of child and family welfare, where Aboriginal Child Care Agencies are involved in providing support for children and

families within their own community through a range of short and long term foster placements. It is hoped that this will reduce the number of Aboriginal and Torres Strait Islander children coming into the care of the State.

13.42 However, Aboriginal child care agencies have focused primarily on providing alternative care for very young children rather than specifically addressing the needs of older children.

13.43 The overwhelming priority for the care and protection of very young Aboriginal and Torres Strait Islander children was confirmed by a witness for the Northern Territory Government. He said:

"We have one overwhelming welfare problem in remote Aboriginal communities and that is to do with child malnutrition; it is to do with babies. Most of our child protection cases and child health issues are to do with infants. It is our biggest, single health and welfare issue in Aboriginal communities in the Northern Territory.

Other things do take second place. We make no apology about that. It is such an overwhelming problem." (NT Government: Transcript of evidence, p 1574)

13.44 Because the needs of the overall Aboriginal and Torres Strait Islander population are so great, perhaps insufficient attention has been paid to the needs of young people. This was illustrated by a witness in Western Australia who told the Committee that adult services for homeless Aboriginal men were inappropriate for young people.

"I was working at another hostel for adult alcoholics in the inner city. I came into contact with the Aboriginal kids because they had nowhere else to go. They knew it was a hostel for Aboriginals. They were coming there looking for

meals, a bed and shelter for the night... No hostel in town could provide shelter, a bed for the night or even refer them to another place around the inner city." (Aboriginal Legal Service WA: Transcript of evidence, pp 1239-1240)

13.45 Another area of concern relating to Aboriginal youth is mental health and the absence of culturally appropriate services. The HREOC, in its examination of Mental Illness, heard evidence about the desperate need for mental health and counselling services to assist young Aboriginal people and families. Psychiatrists in a number of States and regional centres stated that very few Aboriginal and Torres Strait Islander families and children used mental health services for children.

13.46 The HREOC inquiry was told:

"There are no services to counsel parents or juveniles, even though there's an extremely high rate of juvenile offending, and I believe that the communities are certainly in crisis when it comes to physical and mental health issues and law and order issues."⁴

13.47 Further evidence to the inquiry said:

"The coordinator of the Victorian Aboriginal Mental Health Network noted that while very few Aboriginal young people are coming into contact with psychiatric services, access to them is vital to the survival of [Aboriginal] communities. She suggested that one of the major reasons for the underutilisation of child psychiatric services is the reluctance to deal with child welfare agencies which had previously been instrumental in taking children away from their families and communities."⁵

⁴ *Human Rights and Mental Illness*, op.cit., p 707.

⁵ *ibid.*

13.48 The Committee recommends that the National Mental Health Strategy specifically address the issue of increasing access of Aboriginal and Torres Strait Islander families and young people to relevant psychiatric services.

13.49 Similarly, there is an urgent need for mainstream family and adolescent services to be culturally appropriate to this community. The Committee was told that few Aboriginal and Torres Strait Islanders were accessing family mediation services.

13.50 In Darwin, the Committee was told by a spokesperson for the mediation service that:

"Probably about 60 per cent of our young people are of either Aboriginal and Torres Strait Islander or cross-cultural background - either one or both parents. The latest ABS study says that 60 per cent of our children have a language other than English spoken at home. That is 50 000 kids." (Anglicare NT: Transcript of evidence, p 1600)

"There are also the issues around the cultural appropriateness of our services for Aboriginals. We work with quite a number of Aboriginal families, but the wider issues get in our way. Not having proper refuge accommodation is a huge issue." (Anglicare NT: Transcript of evidence, p 1599)

13.51 Adolescent mediation and family support services understand the current limitations of their services and noted attempts to improve accessibility.

13.52 A witness for the Adelaide Central Mission said:

"Our funding has never, ever been enough not has it taken into consideration the special needs of young people from non-English speaking backgrounds or young Aboriginal

people. I guess what we are endeavouring to do is to work with workers from those cultures and to work in tandem with them. This is very new and this is something that we are developing along those lines. The response of non-English speaking young people and their families to services such as ours is not that high nor is it with Aboriginal families, and I think we need to look very carefully at what we need to be doing to assist that response to grow. But we are working with cultural workers on that.

... What we are also intending to do more generally through the mission is to work in partnerships with particularly the Aboriginal community and provide experience with the family counselling to set up a training program for Aboriginal workers to be trained in the same techniques that we have. That is being used now as the model, which we will probably take on over the next 12 months." (Adelaide Central Mission: Transcript of evidence, pp 1431-1432)

13.53 The Attorney-General's Department acknowledged the inappropriateness of the current mediation models for Aboriginal and Torres Strait Islanders and indicated that any further development of the Program would attempt to address this issue.

13.54 The Committee recommends that the Attorney General's Department be allocated additional funding to develop a culturally appropriate model of adolescent and family mediation, in consultation with relevant Aboriginal and Torres Strait Islander organisations.

13.55 The nature of all social problems within the Aboriginal and Torres Strait Islander population are complex. In addition, numerous reports and social justice strategies are attempting to develop greater accountability by governments in terms of access and equity to programs and services. The Committee supports the implementation of policies and programs based on the principles of social justice and self-

determination that will significantly improve the outcomes for all Aboriginal and Torres Strait Islanders, including young people.

Young People from Non-English Speaking Backgrounds

13.56 Little evidence came forward during the Inquiry about the needs of young people and families from non-English speaking backgrounds. However, there was an acknowledgment from some government departments and non-government agencies that the issues associated with youth homelessness and family breakdown within this community require special attention.

13.57 There was a general view that there is an overall lack of research and information regarding the circumstances under which young people from non-English speaking backgrounds become homeless.

13.58 The HREOC identified young people from non-English speaking backgrounds as having particular needs in the report 'Our Homeless Children'.

13.59 The HREOC report stated:

"It was clear from the evidence presented to the Inquiry that there has been a failure to adequately care for a number of children and young people in respect of whom Australia has undertaken particular responsibility."⁶

13.60 Issues of particular concern included:

The high incidence of homelessness among young Indo-Chinese refugees; and

⁶ B Burdekin, et al., op.cit., p 139.

that newly formed household are stressful and likely to break down, with the young refugee moving to the streets.

13.61 The Department of Social Security identified that the circumstances which contribute to homelessness of young people from non-English speaking backgrounds has to be understood in a cultural context. The submission stated:

"Young people from non-English speaking backgrounds may find themselves caught in conflict between their parents' expectations of their behaviour, and the lifestyle of their peer group. Parents of these young people frequently have quite strict expectations of their children, about household duties, academic achievement, social activities outside of the family circle, and relationships with the opposite sex. Often these expectations are quite out of step with the lifestyle of most young people in Australia today." (DSS: Submission, pp 291-292)

13.62 Different cultural values and attitudes towards family violence were cited as frequently posing a dilemma for support services working with young people in a family context. There is evidence that family violence is frequently hidden and families do not seek support in dealing with these problems. A spokesperson from the Adelaide Central Mission, which provides an adolescent family mediation service, told the Committee:

"One of the difficulties, particularly with the Vietnamese community, is that they have an incredibly different notion of violence and discipline and shame. We believe - we have nothing to back this up - that it is the shame that stops some of these families from presenting to services, the shame of their family breaking up. And this is something that needs much more investigation." (Adelaide Central Mission: Transcript of evidence, p 1432)

13.63 This view was reinforced by the Australian Youth Policy Action Coalition who stated in their submission:

"There are powerful disincentives in some cultures against seeking outside help especially in matters regarding family relationships and interactions. Young people from these cultures are unlikely to have any significant contact with outside agencies. In fact, agency staff report that it is rare to have any detailed knowledge of these young people's situations and therefore staff are unable to provide verification to DSS concerning personal circumstances." (AYPAC: Submission, p 49)

13.64 The discussion paper on the National Youth Housing Strategy notes the limited evidence and information on the needs of this group. It quotes from the Federation of Ethnic Communities' Councils of Australia on the issue of youth housing and homelessness:

"... is not adequately addressed within youth housing policy and there is little focused research into this area...

refuges do not keep adequate statistics to indicate the extent of the problem...

collection of ethnicity data on young people is poor. It is therefore very difficult to determine if young NESB people have the same access to equitable outcomes from services."⁷

13.65 The causes of homelessness among NESB young people are similar to those of the general homeless population. However, researchers have identified a number of factors which play a significant part in contributing to the disadvantage these young people experience.

⁷ F Maas, National Youth Housing Strategy, *Surviving not Thriving*, Discussion Paper, February 1995, p 53.

13.66 These include:

- . lack of english language proficiency;
- . intergenerational conflict;
- . racism faced by many NESB young people which hinders their social integration and personal growth;
- . specific difficulties faced by NESB young people in the education system;
- . overseas-born NESB young people have higher than average unemployment rates and lower than average participation rates in the labour market;
- . research shows that many employment, education and training agencies have minimal contact with NESB young people, even in areas with high NESB populations;
- . NESB young people often have little knowledge of available income support payments; and
- . many young people have experience of a variety of traumatic events in their lives prior to coming to Australia.⁸

13.67 Research also shows that NESB young people are under-represented in their use of youth services. This raises questions about NESB young people's needs for such services and their access to these services. In response to this low rate of service usage, it has been

⁸ I O'Connor, et al., *Accommodating Difference*, A Report prepared for the South East Queensland Youth Accommodation Coalition, Department of Social Work and Social Policy, The University of Queensland, Brisbane, March 1994, Chapter 3, pp 2, 3, 6, 8, 11, 13 & 15.

suggested that homelessness among NESB young people is rare and that the homeless young person's extended family and community provide the necessary care and support.

13.68 The limited number of young people and families from non-English speaking backgrounds who access support services was raised by a number of witnesses. A spokesperson for the Australian Institute of Family Studies noted:

"...the question of non-English speaking background young people,... and the need is becoming much more apparent there. There are a lot of pressures on those families and we are not really catering for non-English speaking background young people very much at all. That probably needs some thinking through because I do not know whether the models of mediation are going to be appropriate in terms of the expectations that parents and children have about their relationship in some non-English speaking background cultures. We might need to look at other sorts of ways of giving services." (AIFS: Transcript of evidence, p 222)

13.69 The lack of utilisation of welfare and support services by NESB young people can result in lost opportunities to receive support before there is a complete breakdown.

"In many NESB communities, loyalty to the family and the importance of saving face may also discourage young people from taking their problems to persons outside the family or community. In some instances, young people feel that they have a strong debt of gratitude to relatives or other sponsors who have assisted them to emigrate to Australia."⁹

"While it is true that many problems are solved within the family, our survey found that to a great extent their family support is exaggerated... For too long service providers have

⁹ *ibid.*, pp 3-20.

relied on the mythology of the migrant family as a convenient rationale to explain why services are not used by NESB youth."¹⁰

13.70 It is interesting to note that the Attorney-General's Department acknowledged that in spite of the success of the adolescent mediation and family therapy program in reducing the incidence of young people leaving home prematurely, it had not been able to focus on the needs of families from non-English speaking backgrounds.

13.71 A witness from Attorney-General's Department commented on the need to develop mediation models more appropriate for other cultural groups:

"The final point I would like to make at this stage is that the model of mediation and family therapy, as practised in the services that we fund, has not on the whole attracted a large group of clients from the non-English speaking background sections of the population, or from Aboriginal groups or from families with a disability. Mediation has developed in an Anglo-Saxon, possibly fairly middle-class environment, and is yet to be adapted to meet the needs of families from a full range of backgrounds." (Attorney-General's Department: Transcript of evidence, p 135)

13.72 There are current limitations on the Attorney-General's Department initiating these services due to the Program's small budget. Prior to the establishment of appropriate mediation models, it would be necessary for additional research and consultation with the various ethnic communities.

13.73 The Committee recommends that additional funds be provided to the Attorney-General's Department to develop culturally appropriate models of adolescent and family mediation for families and

¹⁰ *ibid.*, pp 3-22.

young people from non-English speaking backgrounds. These service models are to be developed in full consultation with relevant ethnic organisations.

13.74 The Committee concludes that mainstream family and youth support services need to look closely at how their services can be more responsive to the needs and cultural experiences of non-English speaking families.

13.75 The Federation of Ethnic Communities' Councils of Australia recently stressed the importance of understanding the central place of the family in any development of services to young people from non-English speaking backgrounds. The discussion paper on the National Youth Housing Strategy comments:

"FECCA also notes the importance of family in determining the identity of ethnic youth. They stress that 'the issue of identity underpins all policy needs and priorities... it is against this background of cultural pluralism that NESB young people develop their identity as Australians.'"¹¹

13.76 The Committee recommends that Commonwealth departments ensure that all programs providing services to families and children establish models of practice which are responsive to the cultural differences of families from non-English speaking backgrounds.

Young Refugees

13.77 The Committee became aware that refugee minors are represented among the young homeless population. While this has been recognised in a number of reports and inquiries, it was reinforced when

¹¹ F Maas, *op.cit.*, p 53.

the Committee visited a youth service in Victoria which assisted unsupported homeless young people who were continuing in education. Within the group was a significant number of young people who had come to Australia as refugees without their immediate family.

13.78 This phenomenon was noted by FECCA and reported in the National Youth Housing Strategy Discussion Paper. It says:

"FECCA notes that 'particular consideration needs to be given to policies regarding unaccompanied refugee minors and determining responsibility.'"¹²

13.79 Similarly, the Department of Social Security also noted that this client group is represented among the homeless young people claiming Young Homeless Allowance.

"Some of these young people have recently arrived from countries with oppressive regimes, or from long periods in refugee camps." (DSS: Submission, p 292)

13.80 It is important to understand how the past life experiences of these young people and their families contribute to ongoing personal trauma in Australia. O'Connor outlines the long term effects of such trauma on refugees.

"Experiences of torture and trauma affect young people's mental health, their ability to participate successfully in a range of activities, and the stability of their families or household. Unfortunately, there are few services addressing this issue and, among those which do exist, little attention seems to be paid to young people's needs."¹³

¹² *ibid.*

¹³ I O'Conner, et al., *op.cit.*, pp 3-16.

13.81 These young people are particularly vulnerable to homelessness. The household in which they live is likely to be newly formed, and therefore, more prone to conflict and breakdown. The young people themselves are likely to have experienced severe hardship in their countries of origin, many suffering deprivation and violence. Often the families of these young people are not equipped to deal with the ongoing emotional or mental difficulties of the young person.

13.82 The Committee supports the views of a number of reports in this area which indicate there is an urgent need for relevant research and the collection of appropriate data on the needs of unsupported NESB young people to understand the causes of these young people moving into independent living following the breakdown of their family and community support systems.

13.83 The Committee recommends that the relevant Commonwealth departments involved in providing a range of services to young people who become homeless undertake joint research into youth homelessness and family breakdown amongst young refugees. This research is to be done in consultation with the Federation of Ethnic Communities' Councils of Australia.

13.84 The Committee recommends that all Commonwealth departments involved in the provision of services to young homeless people ensure that data is collected on the number of young people from non-English speaking backgrounds who are using the services.

13.85 The Committee recommends that all Commonwealth departments identify ways in which programs and services for young people and their families are accessible and culturally appropriate to families and young people from non-English speaking backgrounds.

13.86 The Committee recommends that relevant Commonwealth Departments allocate funds for the establishment of ethno-specific services for young people and their families. These services should be evaluated and reported on in Departmental Access and Equity Plans.

Sexuality and Homelessness

"Young people often have a difficult time talking to parents about their emerging sexuality. It is especially difficult for young people who are gay and lesbian....young people who are gay and lesbian are often afraid to discuss their sexual feelings and health concerns with their family for fear of rejection, harassment or abuse. It leaves these young people feeling frightened, vulnerable and cut-off from much needed family support.

Families often react poorly when they learn their children are gay and lesbian....acceptance of their child's homosexuality is complicated by misinformation about homosexuality and their inability to discuss in an open and supportive manner a sexual orientation they do not share."¹⁴

13.87 In Australia, no data is kept on the number of young people who are homeless who identify as being gay or lesbian. Furthermore, there is no official data collected in the Census on the basis of sexuality. The 1996 Census will ask specific questions about sexuality for the first time.

13.88 The Tasmanian Gay and Lesbian Rights Group quoted from an American study that identified:

¹⁴ Australian Youth Policy and Action Coalition, *Where the Money Should Go...*, Youth Federal Budget Submission, Dec-Jan 95, p 16.

"In major urban centres over 30 per cent of homeless youth are gay and lesbian. There is little to indicate that the situation is any different in Australia. In spite of this overwhelming statistic, few services exist to deal with issues specifically related to lesbian and gay homelessness." (Tasmanian Gay and Lesbian Rights Group: Submission, p 1492)

13.89 A recent report on homelessness by The Australian Centre for Lesbian and Gay Research also referred to American figures in attempting to estimate the number of gay and lesbian young people. It commented:

"...research done in the USA has shown that 1 in 4 young gays and lesbians leave home as a result of conflicts with their parents about their sexuality (Hetrick-Martin Youth Institute 1992)."¹⁵

13.90 The Tasmanian Gay and Lesbian Rights Group stated that young people who were gay and living in a refuge often suffered abuse and harassment. This was confirmed in discussions the Committee had with youth workers who expressed concerns that refuges were often unsafe places for young gay people, as residents with other problems often made them the target of their low self-esteem and violent behaviour.

13.91 The Twenty-Ten Association, which provides supported accommodation to gay and lesbian youth, stated:

"Both crisis refuges funded under SAAP in inner city Sydney have [a] long history of discrimination and harassment of lesbian and gay youth by other service users. Both refuges have had resident clients arrested for homophobic crimes

¹⁵ J Irwin, et al., The Australian Centre for Lesbian and Gay Research University of Sydney, *As Long As I've Got My Doona*, A Report on Lesbian and Gay Youth Homelessness, for the Twenty-Ten Association Inc. Lesbian and Gay Youth Services, 1995, p 16.

including assault occasioning actual bodily harm and manslaughter during the past year."¹⁶

13.92 The Tasmanian Gay and Lesbian Rights Group recommended the establishment of a range of services for young people who are gay and lesbian and are coming to terms with their sexuality and its impact on their family relationships.

13.93 The Committee was told that young gay men and lesbians often became homeless or are at risk of homelessness because of lost support from their families, friends and peers. This often leads to risks of self-abuse, engaging in high risk activities and suicide.

"If we can be a bit more supportive as a society of young people who are gay or lesbian, then fewer of them will be at risk of homelessness." (Tasmanian Gay and Lesbian Rights Group: Transcript of evidence, p 1802)

13.94 The need to establish specialised services for young gay men and lesbians was identified as an issue. There appears to be a place for such specialised services in some of the large cities. The Committee received information about the one supported accommodation service for homeless lesbians and gay youth in Australia, which is based in Sydney. The program is operated by Twenty-Ten Association Inc (2010) and has been jointly funded by the Commonwealth and New South Wales Governments under SAAP for ten consecutive years.

13.95 The Twenty-Ten Association provides the following:

a medium term refuge for young people between 16 and 21 years of age who are homeless and identify as gay or lesbian:

¹⁶ 2010 Association, Submission to the National Youth Housing Strategy, p 4.

- . access to a range of information and life skills such as cooking, nutrition, independent living, budgeting, health and hygiene, sexuality, alcohol and other drug dependency, legal matters, housing and employment; and
- . since 1994 it has operated an independent housing project for young people between 18 and 22 years.

13.96 The client profile is as follows:

- . the average age of 2010 service users is seventeen;
- . approximately sixty per cent of service users are male;
- . in 1994, 2010 accommodated 32 young people in medium and long term services; and
- . general welfare and support was provided to 537 young lesbians and gay men.

13.97 In its submission to the National Youth Housing Strategy, 2010 stated:

"Government services to gay and lesbian youth are minimal. Participation in education and labour market programmes by 2010 service users is low. The number of service users who are HIV antibody positive is high by comparison with all other groups of young people. The impact of HIV/AIDS over the past decade has seen an improvement in the health services provide[d] to young gay men, however little impact has been made on issues of homelessness, unemployment and education of gays and lesbians and in particular the youth of the community."¹⁷

¹⁷ *ibid.*, pp 2-3.

13.98 The Committee recommends that research funds be made available to gather data on the extent to which a young person's sexuality has contributed to family breakdown and to eventual homelessness.

13.99 The Committee recommends that at least one specialist SAAP service be established in major capital cities for young people who identify as gay or lesbian.

13.100 However, the Gay and Lesbian Rights Group in Tasmania thought it may not be the most appropriate service type in all States and communities. Instead, existing youth services must be much more sensitised to the needs of gay and lesbian clients, and family and adolescent counselling services need to be more responsive to the issue of sexuality as a contributing factor to family disharmony.

13.101 The research into homelessness among young lesbians and gay people emphasised the need for mainstream services to be sensitive to the needs of this group of homeless young people.

"Services need to be lesbian and gay friendly. Many of the young people experienced various forms of discrimination in many of the services that they used. This often had the effect of discouraging them from seeking services and/or not being open about their sexuality, thus decreasing the options that many be open to them."¹⁸

13.102 In 1994, 2010 commissioned an analysis of the housing needs of gay and lesbian youth. This research was carried out by the Australian Centre for Lesbian and Gay Research at the University of Sydney over a three month period. The findings of this research include:

¹⁸ J Irwin, et al., op.cit., p 57.

- . the numbers of young lesbian and gays who are homeless were estimated as between 5 000 and 6 250 at any one time in Australia.¹⁹
- . the resources available for these young people are minimal;
- . while a number of refuges and accommodation services provide accommodation to young lesbians and gays, only two of those interviewed had specific policies or practices dealing with homophobia and/or heterosexism;
- . the majority of young people interviewed had been homeless for over five years;
- . over half had been thirteen or fourteen years old when they left home;
- . just under one third had been involved in sex work in order to survive economically;
- . many of them were dependent on drugs;
- . many of them had left the education system because it was too difficult to stay as a homeless person; and
- . many had been involved with the statutory child protection and/or the juvenile justice system.

13.103 As a result of the findings of this report, 2010 made the following comments in its submission to the National Youth Housing Strategy:

¹⁹ *ibid.*, p 6.

"Preliminary findings include an actualisation of sexual identify at a much earlier age and a resulting disruption to education and family relations, heavy reliance on sexual favours in return for accommodation, large differences in the ages of young people and their sexual partners, an absence of a variety of housing options, age discrimination in the private rental market and the absences of access to a variety of housing options for youth."²⁰

13.104 The Tasmanian Gay and Lesbian Rights Group was critical of the way DEET officers had been dismissive of the evidence provided by a young person that a declaration of homosexuality to his parents had resulted in leaving home. A spokesperson told the Committee:

"... these are people who have come to us after it has been established that they cannot live with their parents. However, the officers who deal with them say, 'It is not a good enough reason. Cannot you reconcile with your parents? Why did you have to tell them in the first place?

...That is an invalidation of their identity and how they feel about themselves. It is like telling them that they are not worthwhile people and that they would be better off if they were heterosexual or that they should not be open about their sexuality." (Tasmanian Gay and Lesbian Rights Group: Transcript of evidence, pp 1805-1806)

13.105 2010 indicated that family rejection contributes significantly not only to the young person leaving home but also to issues of social isolation, low self-esteem and at risk behaviour. The organisation recommended to the Committee:

"... the immediate expansion and consolidation of family mediation services and counselling services, thereby

²⁰ *ibid.*, p 3.

providing avenues for the resolution of family based issues and conflicts before young people leave home."²¹

13.106 Where young people leave home because of issues about their sexuality and parents' inability to accept the young person, there is need for alternative care arrangements for these young people other than refuges. Such alternatives should include the opening up of foster care to gay and lesbians couples or individuals who may be in a position to offer that young person a stable living environment as well as positive role models in their formative years. These foster parents would undergo the same assessment process established for all other foster parents. The Committee urges that State and Territory governments extend eligibility for fostering to gay and lesbian couples or individuals, in order to provide alternatives to refuges for some gay or lesbian young people who become homeless due to family breakdown.

13.107 The Committee recommends that all SAAP services provide training to staff on issues relating to the sexuality of young people.

13.108 The Committee recommends that issues associated with the safety of young people who identify as gay or lesbian be addressed by SAAP services.

13.109 The Committee recommends that adolescent mediation and family therapy services ensure that staff have the necessary training and skills to be able to work effectively with families in the area of young people's sexuality.

²¹ 2010, Correspondence to Committee, November 1994.

CHAPTER 14

A STRUCTURAL ANALYSIS OF YOUTH POLICY

14.1 The issue of coordinating policies, functions and services for youth has been the subject of many government inquiries and reports. In a recent publication on young people and the family in Australia, two researchers from the Australian Institute of Family Studies stated:

"The need to improve consultation and coordination, and linkages between youth policies and programs, was highlighted most recently in the National Inquiry into Homeless Children (Human Rights and Equal Opportunity Commission 1989), and the Report of the Evaluation of Coordination Processes of the Social Justice Strategy for Young Australians (National Youth Social Justice Strategy Coordinating Committee 1991), and The Australian and New Zealand Youth Ministers' Council (1992)."¹

14.2 The evidence from this Inquiry confirms the view that there is no national youth policy in Australia, merely a series of fragmented Commonwealth and State policies and programs directed towards young people.

14.3 Coupled with this is the inadequacy of current Commonwealth and State arrangements defining the roles and responsibilities for children, young people and families. These arrangements require a substantial overhaul if there is to be any

¹ R Hartley & I Wolcott, National Youth Affairs Research Scheme, *The position of young people in relation to family*, National Clearing House for Youth Studies, Hobart, 1994, p 80.

significant reduction in the number of young people who are becoming homeless and an improvement in the quality of the support they receive.

14.4 Considerable amounts of money are being spent at both levels of government on services for young homeless people. However, little attention is given to the need to make substantial shifts in funding to focus on prevention and early intervention in the lives of vulnerable families and 'at risk' children. As already indicated, few resources are provided for early intervention for the welfare, education and health of young children. Yet, paradoxically, it is probably the one area of public policy which could deliver to the community the greatest returns in terms of increased social cohesion through the reduction in the levels of family breakdown and long term welfare dependency.

14.5 Australia seems to lack the basic framework to adequately protect children and to support families. Changes are required to tackle the underlying causes of youth homeless and establish a process which monitors and evaluates national responses. These changes include:

- . the Commonwealth government taking a leadership role in establishing national standards and benchmarks in child and family welfare;
- . Commonwealth and State/Territory governments, in consultation, develop complementary legislation to incorporate the UN Convention on the Rights of the Child into domestic law with appropriate auditing mechanisms established;
- . establishing a National Child and Youth Bureau to monitor and audit the Commonwealth and State/Territory governments' performance in meeting their obligations under the Convention; and

ensuring the principles of the UN Convention on the Rights of the Child are incorporated into policies, programs, and administrative procedures in all relevant Commonwealth departments.

14.6 The Committee fully accepts the view of Hartley and Wolcott from the Institute of Family Studies, that youth policy has in the past been too dominated by the areas of employment and education in relation to income support.² Youth policy is also about the adequacy and operation of policy in the area of child and family welfare, health, and housing.

14.7 The request for the Commonwealth to take a leadership role in the area of national family policy, national child protection legislation and standards, is growing considerably. This Inquiry has identified the massive problems State and Territory governments are having in managing to adequately meet their legislative obligations to children. The Committee has commented on the evidence which identifies a serious lack of services to neglected and deprived families and children, the withdrawal of services, and a growing emphasis on crisis and investigation at the expense of early intervention and support.

14.8 The traditional responsibilities of the Commonwealth and States for children and family welfare matters have become so blurred and confused, that large holes have emerged in the network of services which should support families and children.

14.9 State and Territory welfare systems are not providing adequate care and support for many disadvantaged children. The Commonwealth, on the other hand, seems to weave in and out of child and family policy without direction or rationale. As already discussed, the Commonwealth has largely abandoned funding and monitoring of

² *ibid.*, p 77.

family support services programs on the basis that these services are the responsibility of the States. At the same time, however, the Commonwealth has become increasingly enmeshed in a range of family policy areas which were traditionally State responsibilities, such as payment of income support to under 16 year olds and the provision of accommodation to under 16 year olds.

Coordination at the Commonwealth Level

14.10 There is no effective coordination and integration of policy or programs at the Commonwealth level. Policy and planning is characterised largely by initiatives of individual departments, often resulting in the duplication of services and the lack of consistency in approaches and expected outcomes.

14.11 The Report has detailed the array of departments involved in providing services for young people. The DEET Youth Bureau, while integrating the range of programs associated with the Employment, Education and Training portfolio, fails to have a role beyond this specific portfolio. While the Department of the Prime Minister and Cabinet currently provides a policy co-ordination role in the area of homelessness, this has a very narrow focus and does not address the relevant policy issues across the range of portfolio departments which impinge on youth homelessness.

14.12 The lack of any national coordination of youth policy was identified by several witnesses:

"It seems to me that if the Commonwealth is going to have a youth strategy, and they have all signed up for it so far, then it needs some consistent model to deliver it. I do not know whether a bureau is responsible for all the Commonwealth effort, but it seems a bit crazy that you do

not have some clearing house at the national level that says, 'This is what the Commonwealth is prepared to commit to. Here is our clearing house and here is our primary delivery arm' - whether it be a YAC, or a DSS youth hostel or whatever. It has to be a delivery arm that is clear. At the moment they have three..." (Youth Access Centre TAS: Transcript of evidence, pp 1832-1833)

14.13 Recently, the Australian Youth Policy Action Coalition recommended the transfer of the Youth Bureau from DEET to the Department of the Prime Minister and Cabinet in order to create a point of coordination and leadership at a national level:

"Currently there is no clearly identifiable system for coordination of the Government's youth policy between portfolios or for the Government to measure the performance of individual departments in dealing with issues as they pertain to young people. This has become a serious concern for AYPAC as the Federal Government now lacks any real focus on youth affairs beyond issues related to employment, education and training. This is perhaps best illustrated by the fact that the Government has no designated Minister for Youth Affairs..."³

14.14 A witness from the Australian Institute of Family Studies also commented about the narrowness of youth policy at the Commonwealth level and the need to make a significant shift in emphasis:

"The history of policies concerned with young homeless people have been directed towards the education end or towards the employment end or towards the accommodation end, and it is only in very fairly recent years that it has been recognised that you do actually have to have services

³ Australian Youth Policy and Action Coalition, *Youth federal budget submission*, Dec-Jan 95, p 11.

which put those things together and a whole range of other services too." (AIFS: Transcript of evidence, p 221)

14.15 The Committee believes that the inadequacies within the current system requires a major structural shift at the Commonwealth level and recommends the establishment of a mechanism within government which has policy and administrative authority to ensure principles, standards and outcomes are established and achieved.

14.16 The evidence indicates that there are serious social injustices in our treatment of children and young people in Australia. The response required to rectify the situation goes far beyond the establishment of protocols which are not enforceable at either level of government.

14.17 The authority for this new structure, which would include a monitoring and auditing role of Commonwealth and State/Territory performance in relation to the well being of children and families will come from the incorporation into Commonwealth and State/Territory laws of the UN Convention on the Rights of the Child.

14.18 The Committee recommends that a Child and Youth Bureau be established within the Attorney-General's Department to commence the work associated with incorporating the Convention on the Rights of the Child into Commonwealth and State/Territory laws.

14.19 The Committee recommends that this National Child and Youth Bureau monitor and audit Australia's compliance with the UN Convention on the Rights of the Child.

14.20 While this Report deals with under 18-year olds the Bureau may have to represent a broader age range of youth up to the early 20s. This would be consistent with current age determinants for

various government programs aimed at youth as well as the extended period of dependency on families being experienced by young people.

14.21 The Committee recommends that the National Child and Youth Bureau oversee legislative, policy and program initiatives in the area of youth and family policy across the range of relevant departments to determine the extent of their compatibility with the principles and obligations of the UN Convention on the Rights of the Child.

14.22 The Committee recommends that the Attorney-General report regularly to the Prime Minister on Australia's performance in meeting its obligations under the UN Convention on the Rights of the Child. This reporting should focus on the implications for the development and coordination of youth and family policy at the Commonwealth level, as well as clarifying the relationships and responsibilities between Commonwealth and State/Territory governments for children and families.

14.23 The Committee recommends that The Council of Australian Governments (COAG) become the vehicle for consultation between Commonwealth and State/Territory governments in relation to dealing with aspects of Australia's performance identified as a result of the auditing of the UN Convention on the Rights of the Child.

14.24 The Committee recommends that the Commonwealth Government consult with State and Territory governments to determine ways of monitoring State and Territory governments' obligations under the Convention on the Rights of the Child.

14.25 The Committee recommends that relevant Commonwealth Departments incorporate and articulate the principles

of the UN Convention on the Rights of the Child in corporate mission statements within Portfolio Budget Statements.

14.26 The Committee recommends that relevant Commonwealth Departments, through their annual reports, report on the extent to which particular programs are meeting the obligations towards children, young people and families as identified in the Convention on the Rights of the Child.

14.27 The Committee recommends that relevant Commonwealth Departments, through their annual reports also report on the policies and programs within their portfolio with a focus on prevention and early intervention in the areas of child and family support services, including the percentage of Departmental budgets allocated for this purpose.

Coordination at the State/Territory Level

14.28 The deficiencies in the coordination of youth policy and services at the State level was also highlighted during the Inquiry. Most State and Territory governments have an Office of Youth Affairs, or an equivalent unit which acts as a policy coordination point across government for youth affairs. However, this role did not extend to a capacity to influence overall State government policy.

14.29 Some non-government agencies expressed concerns about the capacity of State based Offices of Youth Affairs to effectively undertake the coordination role. A witness for the Youth Affairs Council of Victoria stated:

"Theoretically, the Office of Youth Affairs is supposed to coordinate policy across government departments. There are some concerns about the capacity for the Office of Youth

Affairs to do that. It is a very small government department. You have government departments such as Health and Community Services which are massive bureaucracies with very powerful bureaucrats in charge of them who are playing territorial games. Until we break down some of those barriers between government departments, I think the Office of Youth Affairs will continue to have difficulty coordinating policy across government departments." (YAC VIC: Transcript of evidence, p 303)

14.30 One of the other major problems is that there is massive fragmentation of programs and services across government departments at the State and Territory level. This fragmentation poses an impossible task for any coordinating point to influence policy and monitor achievements.

14.31 The work of Hartley and Wolcott, from the Australian Institute of Family Studies, provides a good overview of the State/Territory coordinating arrangements. They state:

"The fragmentation of programs and services across government departments becomes clear in discussions with directors and managers of youth bureaus/sections/divisions in the various State departments. For example, the Queensland Youth Bureau is located within the Department of Tourism, Sport and Recreation, South Australia's Youth Affairs is part of the Children's Services Office within the portfolio of Employment, Education and Training, Western Australia's interim Youth Policy Unit is part of the Department of Community Development, New South Wales' Office of Youth Affairs is within the Ministry of Education and Youth Affairs, Victoria's Office of Youth Affairs is part of the Department of Business and Employment, Northern Territory's Family, Youth and Children's Services Branch is within the Department of Health and Community Services, while Tasmania's Office of Youth Affairs is within the Department of Education and the Arts.

Services and programs for youth moreover, are scattered across other departments within each State, most commonly in the departments or ministries of Education; Employment, Education and Training; Justice; Health; and Family and Community Services. Mapping of programs and services to youth across government and non government agencies is occurring in several States to improve planning, delivery and coordination of youth services.

NSW illustrates the complexity associated with coordinating youth issues and services. The New South Wales Youth Affairs Report 1992 (Office of Youth Affairs[NSW] 1993) states that all 20 ministerial portfolios have agencies which have an impact on young people, 44 State government agencies have a role in implementing the Youth Affairs Policy, 29 agencies administer 183 pieces of State legislation affecting young people, and 241 youth programs and initiatives received funding during the 1992-93 budget."⁴

14.32 The way in which responsibilities and resources are spread between departments at the State level makes it difficult to improve services to young people and families through protocols developed between various Commonwealth and State/Territory departments. The State and Territory education departments, for example, are key players in any early intervention strategy to support families and children. Yet, as already stated, there is a considerable reluctance by some State education departments to accept a primary role in this field and the response taken is to seek to more narrowly define their responsibilities.

14.33 There is an urgent need at the State level for policies which impact on families and children to be coordinated by agencies which have authority and policy influence. This coordinating body must have a much broader focus than the traditional areas encompassed by

⁴ *The Position of Young People in Relation to the Family*, op.cit., pp 83-84.

Note: In the ACT the Youth Affairs and Disability Unit is located in the Chief Ministers Office

youth affairs which have been separated from mainstream services such as child and family services and education.

14.34 In discussing the family support program in Victoria, a non-government agency witness gave the following comments about the isolation of family support from the youth affairs area:

"That program area, in a sense, is isolated from the Office of Youth Affairs and certainly from accommodation support within the department. So it has never played a key role in the youth homeless debate, and yet it is probably our only resource that is specifically designated to provide family counselling and family support workers to work in the homes of people in local communities." (Anglican Mission to the Streets and Lanes: Transcript of evidence, p 280)

14.35 Another development, which warrants close monitoring as part of Australia's obligations under the UN Convention on the Rights of the Child, is the consequence of the move to contracting out many traditional welfare functions, which were once delivered by the State and Territory governments themselves. These developments have the potential to redefine the roles and responsibilities of State governments for the welfare of children and families, with ultimate accountability becoming further undermined.

14.36 The Committee recommends that the Commonwealth Government, in conjunction with the States and Territories and non-government agencies, develop national standards to ensure appropriate levels of accountability by government for the quality and outcome of child and family welfare services which are privatised or contracted out.

14.37 Coordination mechanisms also need to operate between the Commonwealth and States and Territories in the area of youth affairs. The Committee was made aware of the Commonwealth-State Youth Coordination Committee in Victoria. This body is chaired on a

rotational basis by the Office of Youth Affairs and Department of Employment, Education and Training. Membership includes these departments, as well as the Commonwealth Departments of Social Security, Human Services and Health, Housing and Regional Development, the Aboriginal and Torres Strait Islander Commission and State Departments of Health and Community Services, Education and Planning and Development.

14.38 The make up of this Committee should provide a good basis for a comprehensive approach to services for families and children, using the resources of the Commonwealth and State governments. However, the Committee was not informed during the Inquiry that these Committee structures operated in each State or Territory or the extent to which they were able to fulfil an effective coordination role at this level.

14.39 The Committee recommends that the Commonwealth and State and Territory governments ensure that joint consultative committees be established at the State level, consisting of key departments at both levels of government who have responsibility for services for families and children.

Regional Models of Coordination

14.40 At the local level, there is evidence that practitioners and service delivery agencies have put in place effective local interagency networks which attempt to coordinate and plan services for their communities. The fragmentation of policy and administrative arrangements at the Commonwealth and State government level puts enormous pressure on community based services to establish ways of coordinating and delivering services. Some communities clearly do this better than others.

14.41 During the Inquiry, some service providers stressed that the lack of a broader youth strategy often meant that there was too much focus on individual programs rather than the development and planning of youth services generally.

14.42 A local youth worker involved in a coordinating committee outlined the problem:

"I think what is absent is structural integration and coordination at a higher level. I think that is where the weaknesses are, because the practitioners see the problems and see the need to cooperate. I do not think the organisations, either at the policy end or in terms of implementation of policy, integrate them sufficiently, which means that they do not flow down; they flow up from the practitioners, rather than the other way. I think that is one of the great weaknesses." (YAC TAS: Transcript of evidence, p 1820)

14.43 Most regional areas have an interagency forum of some kind, coordinated by a variety of government or non-government agencies. There is little consistency across the country and there has been no attempt to determine 'best practice models'. The Committee gained the impression that successful regional coordination depended largely on the vision of particular individuals, combined with a strong sense of community cohesion among the welfare sector, as well as the involvement and support of senior administrators in key Commonwealth, State and non-government agencies.

14.44 The Committee was particularly impressed with the work being done in the Hunter region through the Hunter Youth Strategy and Coordination Project. The project was one of five selected as a result of developing the Labour Market Adjustment Regional Assistance Package. Following community consultation, the Hunter Regional Strategic Plan for the Provision of Youth Services was

launched. The key elements of the Strategy include:

- . ownership of the strategy by the providers of services to youth;
- . it is the major reference for planning for youth services in the region;
- . it has led to the establishment of the Hunter Interdepartmental Committee on Youth Affairs, where there is senior representation from Commonwealth, State and local government departments and peak youth service networks;
- . this interdepartmental committee makes recommendations relating to local initiatives from either Commonwealth or State which impact on services to young people; and
- . the Hunter Inter-departmental Committee on Youth Affairs will monitor and report on the implementation of the Plan over a three year period.⁵

14.45 The involvement of senior departmental officers at the State and Commonwealth level was identified as a critical element in achieving coordination and integration of services at the regional level. A spokesperson involved in the Hunter Youth Strategy outlined its importance:

"... the Hunter inter-departmental committee of youth affairs which the project also set up which has senior bureaucrats from many of the government departments plus youth workers from the field who look at policy issues and who are overseeing the implementation of this plan... But what this really does is pull it all together and give some sort of whole

⁵ Hunter Inter-Departmental Committee on Youth Affairs, Guidelines in Hunter Regional Strategy Plan for the Provision of Youth Services, Appendix 1, Correspondence to Committee.

vision for the Hunter." (Newcastle Youth Service: Transcript of evidence, pp 2344-2345)

14.46 The strength of the model is the involvement of all the key local players, from the grass roots community organisations to senior officers in Commonwealth and State departments. The coordination capacity at this level is limited, however, by the lack of financial commitment to the Strategy beyond a short time frame.

14.47 The Committee recommends that the Commonwealth and State and Territory governments initiate the development of similar models of coordination and integration of youth services to that currently operating in the Hunter Region.

14.48 The Committee recommends that the Commonwealth and State and Territory governments allocate resources to implement and maintain effective regional coordination models in the longer term.

The Role of Non-Government Agencies

14.49 Non-government agencies provide a key role in the provision of services to families and young people. The Committee was impressed by the breadth of their knowledge, expertise and skills and their commitment to meeting the needs of the most disadvantaged members of our community.

14.50 Their involvement in coordinating policy and programs is critical because increasingly they are the providers of services. The growth of privatisation and contracting out of many services in the social welfare field requires their participation in planning and coordination. Similarly, the adoption of case management approaches in the Supported Accommodation Assistance Program and by DEET in providing more intensive assistance to the long term unemployed, are

establishing new roles and relationships between government and the non-government sector.

14.51 The community sector expressed concern as to how these developments will be managed in the field, so that there will be better longer term support and opportunities for young homeless people.

14.52 A spokesperson for the Salvation Army, in commenting on the growth of case management and its applicability to the homeless young people in its services, said:

"When we look at adolescence and the impact of adolescence maybe we should have in case management a three-to five - year vision of a young person and where that person is going from a homeless background... I am concerned about the expectations and turnarounds and, thus, alienating access of supports to enable an alternative to the prostitution and the drug taking." (Crossroads VIC: Transcript of evidence, pp 819-820)

14.53 The Committee was also informed about a number of potential coordinating mechanism such as the Commonwealth-State pilot project in Victoria to consider coordinating case management and the DEET youth homelessness pilots, located in four regions of Australia.

14.54 There is a danger that coordination mechanisms are now emerging which will further fragment the process and compete with each other in duplicating structures and administrative arrangements. The lack of any national approach means that these arrangements lack cohesion and direction. Without a national focus, these pilot projects run the danger of only informing individual State Committees and Commonwealth departments but fail to have any wider application.

14.55 The recent National Youth Housing Strategy Discussion Paper (1995) considered the structural issues affecting coordination and integration of services to young people who are living independently of their families. Dr Rodney Fopp, in association with the Australian Housing and Urban Research Institute, conducted a consultancy in the area of the coordination and linkages of support services. The Discussion Paper concluded:

"Noting the proliferation of agencies contributing to coordination at each level of government, Fopp asks 'who or what is coordinating the coordinators? To what extent are they really contributing to the coordination and integration of services? Is there a need for an overarching agency charged with the responsibility of overall coordination and integration of services?'"⁶

14.56 The Committee believes that there is an urgent need for a full evaluation to be carried out on the range of coordination and integration models which now exist on a State and/or regional level. The growth of a variety of coordination strategies, without any approach as to how they should be evaluated in relation to each other, has the potential to continue to create duplication and continued fragmentation of services.

14.57 The Committee recommends that an independent evaluation be undertaken of the coordination and integration strategies to establish a national model of 'best practice' for the provision of services to disadvantaged young people. This should include at least, the DSS Youth Service Units, the Youth Access Centres, relevant State/Territory and regional strategies.

⁶ F Maas, National Youth Housing Strategy, *Surviving not Thriving*, Discussion Paper, February 1995, p 39.

14.58 The Committee recommends that the Commonwealth and State and Territory governments undertake a national consultation with the non-government sector to identify 'best practice' models for the coordination and delivery of accessible services to young people.

14.59 The Committee recommends that the evaluation of all Commonwealth government pilot projects focussing on coordination and integration of services include an assessment of the extent to which the aims and outcomes compare with other similar projects.

14.60 The Committee recommends that all Commonwealth departments involved in providing coordination mechanisms for service delivery to young people develop consistent objective performance criteria for evaluation.

14.61 The Committee recommends that no further funding be allocated for pilot projects in the area of coordination of youth services until a full evaluation of current models has been undertaken.

Allan Morris MP
Chairman

11 May 1995

DISSENTING REPORT

**by Trish Worth MP (Deputy Chairman), Eoin Cameron MP,
Richard Evans MP, Philip Ruddock MP & Bruce Scott MP.**

This inquiry has progressed since December 1993. A great deal of evidence has been taken and carefully reviewed by the Committee. As a result, the Report tabled has achieved significant common ground with positive recommendations which have unanimous support. However there remain some issues where it was not possible to achieve a consensus.

Relationships with Parents

The inquiry into the provision of assistance for homeless youth requiring income support arose from the very significant public concern evident during 1993 at the increased number of young people accessing youth homeless supplementary payments. Tables such as that used in paragraph 2.52 substantiated these concerns.

Complementing this concern were suggestions from Parent groups in particular that the availability of benefits provided an incentive for some young people to leave home and at times to fabricate allegations about circumstances at home to facilitate a successful claim. This in no way suggests there are not cases where serious physical or sexual violence to young people has occurred.

The Committee during its inquiry was informed of a number of changes to administrative arrangements including new protocols with State Governments and a disallowable instrument clarifying Privacy requirements. Each of these changes presumably have had some impact and recent statistics suggest that numbers of youth homeless beneficiaries have peaked.

The Committee itself was critical of the lack of available data to enable a better understanding of factors motivating young people to leave home and to assess the magnitude of the problem.

Given the problems which we believe still exist with available data we are not prepared to reach conclusions on the motivations of young people, the bona fides of claims and the actual extent of homelessness. We therefore dissent from the conclusions in paragraphs 2.55, 2.58 and 5.127.

The further recommendations of the Committee regarding advice to parents, referrals to State authorities and careful monitoring of outcomes suggest that the majority of the Committee also share some of these reservations (paragraphs 11.30 and 11.31).

It is important to recognise in arguments about rights and obligations of parents and the rights and freedoms of children there exists a requirement for balance. In our view that balance has not been achieved in the report on the issues involving allegations of physical and sexual violence against a parent or parents. Serious allegations of this type can in some cases be made where there is no capacity for their veracity to be tested.

Preferably, matters of this type should be resolved by mediation, counselling either together or separately and if not successful in proceedings where some adjudication is possible.

Reference to responsible State authorities can provide this opportunity. However it is our view that if that does not prove possible at a state or territory level, the Commonwealth may have to address this issue again be it through allowing access by parents to an appeal where benefits are paid or a more appropriate adjudicative approach.

Convention on the Rights of the Child

The Committee in paragraph 9.104 accepts a recommendations of the Joint Committee on Foreign Affairs and Trade namely "that the Australian Government introduce legislation which incorporates the Convention on the Rights of the Child into domestic law".

The Committee fails to acknowledge that in the body of that report "Some members suggested there was no role for the Commonwealth in introducing laws to override state legislation which addresses childrens responsibilities" and "furthermore the Committee stresses the need for consultation with state Government on matters which concern their primary constitutional competence".

In the body of this report the Committee in paragraph 11.6 notes article "5" which is particularly supportive of the role of parents and the family.

Article 5: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present convention...

The preamble has similar provisions expressing the importance of nurturing children in a family unit.

The Joint Committee in its report noted that "concern was expressed about potential conflict between the rights of children and the rights of parents" and concluded that "where ambiguities exist in the convention between those two sets of rights the Committee believes they should be clarified.

It is our view that implementation of the convention in Australia should be pursued by the Commonwealth in co-operation with the States and Territories.

Noting developments since the decision of the High Court in the case of the Minister for Immigration and Ethnic Affairs v Ah Hin Teoh (paragraph 2.78) and particularly the announcement of the proposed legislation clarifying implementation of conventions administratively we dissent to the recommendation in paragraph 9.107.

Administrative Arrangements

The Committee in its recommendations assumes existing administrative arrangements and proposes common definitions and eligibility criteria for use in programs which continue to be administered by the Departments of Social Security and Education Employment and Training, for example paragraphs 5.35, 5.45, 5.67 and 8.65.

In our view common criteria are more likely to be achieved where as few a departments as possible are involved. This could produce administrative savings and avoid additional cost to outlays which the report envisages.

In response to the Committee's report, the Government should give consideration to whether or not a unified system can or should be implemented.

One final issue emerges in paragraph 13.106.

In our view, this is a proper question to be addressed by State and Territory governments on their own initiative and we therefore do not endorse the conclusion reached.

Trish Worth MP
(Deputy Chairman)

Eoin Cameron MP

Richard Evans MP

Philip Ruddock MP

Bruce Scott MP.

LIST OF SUBMISSIONS

APPENDIX 1

Individuals

Mr A Bartlett, South Brisbane, QLD
Mr C Brown MLA, Member for Morley, Bayswater, WA
Mrs C Crawford, Hornsby, NSW
Mrs J Dawson, Kingston, QLD
Mr T Ferdinands, Brighton, SA
Ms V Gannon, Yeppoon, QLD
Mr M Hunkin, Unley, SA
Mrs D Lyra, Forrestfield, WA
Mr I Manuel, Glen Forrest, WA
Mrs C Manuel, Glen Forrest, WA
Ms S McCarthy, Wyong, NSW
Ms J McDonald, Toowoomba, QLD
Ms S McPherson, Buddina, QLD
Ms J Regan, Attunga, NSW
Ms N Walsh, Rochedale, QLD
Mr S Ware, Marcoola, QLD
Mrs J Ware, Marcoola, QLD
Mr R Williams, Bendigo, VIC
Mrs A Williams, Bendigo, VIC

Organisations

Aboriginal Legal Service of Western Australia (Inc.)
ACT Government
ACT Youth Accommodation Group
Adelaide Central Mission Inc.
Albury/Wodonga Youth Emergency Services Ltd.,
Adolescent Family Counselling Service
Albury/Wodonga Youth Emergency Services Ltd.,
Supported Accommodation for Independent Youth Project
Alice Springs Youth Accommodation Services Inc.
Anglicare NT
Anglicare, Anglican Health and Welfare Services (Inc.) WA
Association of Children's Welfare Agencies
Association of Services Supporting Australia's Families
Australian Council of Social Service (ACOSS)
Australian Institute of Family Studies
Australian Youth Policy and Action Coalition
Barnardos Australia
Bayside Adolescent Boarding Inc. (BABI)

Birkley Cottage Project
 Boys' Town, Engadine
 Brisbane Youth Service
 Brotherhood of St Laurence
 Canberra Community Housing for Young People Inc.
 Centacare Family Services, Hobart
 Centacare, Glebe, ALIVE Program
 Centacare, Newcastle West
 Children's Welfare Association of Victoria Inc.
 Church Network for Youth Justice
 Clarence Valley Interagency Association Inc.
 Community Youth Development Project
 Department of Employment, Education and Training
 Department of Housing and Regional Development
 Department of Human Services and Health
 Department of Social Security
 Department of Social Security, Wangaratta
 Department of Social Security Social Workers,
 Launceston Regional Office
 Devonport Youth Accommodation Services Inc.
 Families in Trouble Association
 Family Law Reform Association NSW Inc.
 Family Research Action Centre Inc.
 Family Support Services Association of NSW (Inc.)
 Fremantle Youth Service
 Galilee Inc.
 Geelong Community Legal Service Inc.
 Hands Off Our Kids (HOOK)
 Hanover Welfare Services
 Holroyd Youth Network
 Home Base Youth Service
 Housing and Young People's Outreach (HYPO)
 Housing Assistance Service Inc.
 Illawarra Youth Accommodation Network
 Karinya Young Womyn's Refuge (Inc.)
 Legal Aid and Family Services, Attorney-General's Department
 Liverpool Youth Refuge
 Mission to the Streets and Lanes
 National Anglican Caring Organisations Network (NACON)
 National Children's and Youth Law Centre
 National Youth Coalition for Housing
 Newcastle Youth Service
 Noarlunga Youth Accommodation Services Inc.
 Northern Territory Department of Health and Community Services,
 Family, Youth and Children's Services
 Northern Territory Department of Health and Community Services,
 Staff Development Services

Northern Youth Coordination Committee (NYCC)
 Northern Youth Shelter Association Inc.
 NSW Government
 Open Family (Australia) Incorporated
 Parents' Rights and Support Group (Tas) Inc.
 Parkes/Forbes Crisis Accommodation Service
 Penrith Youth Services Exchange
 Perth YMCA Youth Services
 Queensland Government, Department of Tourism, Sport and Racing
 Queensland Government,
 Department of Family Services and Aboriginal and Islander Affairs
 QUT Student Guild
 RAPS Adolescent Family Therapy and Mediation Service
 Repair Independent Family Ties Association Australia Inc. (RIFT),
 National Branch
 Repair Independent Family Ties Association Australia Inc. (RIFT),
 NSW Branch
 Resolve Family Conflict Resolution Service
 Run Away Teenagers Parents Action Committee (RATPAC)
 Singleton Neighbourhood Centre Inc.
 Society of St Vincent de Paul, National Council of Australia
 Society of St Vincent de Paul, Stanthorpe
 Society of St Vincent de Paul, St Columba's
 SoftLaw Community Projects
 South Australian Government
 South Australian Youth Housing Network Inc.
 South East Queensland Youth Accommodation Coalition
 South East Youth Accommodation Forum
 South West Sydney Young Labor
 St Cecilia's Mothers' Union Chinchilla
 State Public Services Federation, Victoria
 Stepping Stone (TAS) Inc.
 Students' Representative Council, University of Sydney
 Support for Parents and Teenagers (SPOT)
 Tasmanian Gay and Lesbian Rights Group
 Tasmanian Government, Premier
 The Ardoch Youth Foundation
 The Australian Association of Social Workers Ltd.
 The Australian Family Association, Queensland
 The Federation of Parents & Friends of Catholic Schools of Tasmania
 The Link - Youth Health Services Incorporated
 The Salvation Army, Australia
 The Samaritans Foundation, Anglican Diocese of Newcastle
 The Student Foundation Inc.
 The Student Support Network Victoria
 Toowoomba and District Youth Service Inc.
 Toughlove

Unifam Marriage and Family Counselling Service
University of Queensland Union
Victorian Government, Minister Responsible for Youth Affairs
Victorian Social Justice Council
Wanneroo Youth Accommodation Service Inc.
Warringah Shire Council
Welfare Rights Centre Inc., Brisbane
Welfare Rights Centre, NSW
Welfare Rights Centre, SA
Western Australian Government,
Minister for Community Development and the Family
Western Region Youth Affairs Network Inc.
West Youth Housing Network
Wimmera Parents Support Group
Wollongong Youth Refuge Association Incorporation
Youth Accommodation Association (NSW) Ltd.
Youth Accommodation Coalition of Victoria
Youth Accommodation Coalition of WA
Youth Accommodation Network Gippsland
Youth Advocacy Centre Inc.
Youth Affairs Council of South Australia
Youth Affairs Council of Victoria Inc.
Youth Affairs Council of WA
Youth Affairs Network of Queensland Inc.
Youth Affairs Network of the ACT
Youth and Family Service (Logan City) Incorporated
Youth Housing Task Force of Tasmania
Youth Legal Service
Youth Link
Youth Resource Centre
Youthcare

APPENDIX 2

DETAILS OF PUBLIC HEARINGS AND WITNESSES

CANBERRA - 25 MAY 1994

Attorney-General's Department

- . Dr Margaret Browne, Assistant Secretary,
Family and Community Services
- . Ms Coleen Clare, Director, Principal Psychologist,
Family Services Section, Legal Aid and Family Services Division

Department of Employment, Education and Training

- . Ms Frances Davies, Acting First Assistant Secretary,
Student and Youth Division
- . Ms Ruth Doobov, Assistant Secretary, Student Assistance Branch
- . Mr Bob Harvey, Assistant Secretary, Youth Bureau

Department of Housing and Regional Development

- . Ms Christine Goonrey, Director, Crisis Programs Section
- . Mr Mark Lynch, First Assistant Secretary,
Housing Policy and Programs Division
- . Ms Jennifer Thomas, Assistant Secretary,
Supported Accommodation and Linkages Branch

Department of Human Services and Health

- . Mr Antony Kingdon, Assistant Secretary,
Drugs of Dependence Branch, Health Advancement Division
- . Ms Marion Powall, Assistant Secretary, Health Development Branch,
Health Advancement Division
- . Ms Tricia Searson, Acting Senior Adviser, Mental Health,
Policy Development Division

Department of Social Security

- . Ms Anne Benoy, Acting Director, Youth and Residency Section,
Labour Force Programs Branch
- . Mr Rodney Berrill, Director, Labour Force Programs Branch
- . Mr John Bowdler, Deputy Secretary, Programs
- . Ms Helen Cook, Area Social Worker, Area South, Western Australia
- . Ms Robyn Holt, Director, Social Work Services
- . Mr Lindsay Kranz, Area Social Worker, Area South-West, Wagga
- . Mr Michael Sassella, Principal Adviser, Legal Services Group

MELBOURNE - 27 MAY 1994

Anglican Mission to the Streets and Lanes

- . Mr William Couche, Chief Executive Officer
- . Ms Susan Green, Project Consultant for Youth Advocacy
- . Ms Angela Were, Regional Manager, Northern Region Services

Australian Institute of Family Studies

- . Ms Robyn Hartley, Research Fellow

Brotherhood of St Laurence

- . Ms Maria Eliadis, Area Coordinator,
Prevention of Youth Homelessness Project
- . Ms Deborah Elkington, Services Liaison Officer,
Social Policy and Research Unit
- . Mr Donald Siemon

Children's Welfare Association of Victoria

- . Ms Sarah de Wolf, Board Member
- . Mr Andrew McCallum, Board Member
- . Mrs Dianne Noyce, Member

Department of Planning and Development, Victoria

- . Mr Stan Pokorny, Community Housing Coordinator

Hands Off Our Kids

- . Ms Angela Berridge, President
- . Ms Sandy Black, Member
- . Ms Debra Studd, Member

Office of Youth Affairs

- . Mr Michael Debinski, Manager, Supported Accommodation Program,
Health and Community Services
- . Ms Penelope Holloway, Director,
Department of Business and Employment
- . Mr Andrew Ius, Manager, Commonwealth State Relations,
Directorate of School Education
- . Mr Bernard Marshall, Manager, Strategic Planning Branch

Youth Affairs Council of Victoria

- . Mr Mark Longmuir, Executive Officer

SYDNEY - 14 JUNE 1994

- . Mrs Michelle Lodge

Barnardos Australia

- . Ms Susan Tregeagle, Program Services Officer

Ministry of Education and Youth Affairs, Office of Youth Affairs
. Mr Antony Wiseheart, Acting Director

Ministry of Housing, Planning and Urban Affairs
. Dr Thu Nguyen, Manager, Policy and Planning

National Children's and Youth Law Centre
. Mr Robert Ludbrook, Director
. Mrs Kathy Sharp, Research Officer

National Council of Australia, Society of St Vincent de Paul
. Ms Patrizia Di Giovanni, National Project Officer
. Mr Joseph O'Reilly, National Councillor

New South Wales Department of Community Services
. Mr Stephen Robertson, Manager, Protection and Family Services
. Ms Nada Spasojevic, Senior Policy Analyst,
Strategic Policy and Planning

New South Wales Department of School Education
. Mr George Green, Assistant Director-General,
Metropolitan East Region

Northern Sydney Parent Support Group
. Mrs Christine Crawford, Convenor

RAPS: Adolescent Family Therapy and Mediation Service
. Ms Helen Polyzoidis, Family Therapist

Welfare Rights Centre
. Mr John Rome, Policy Officer

BRISBANE - 15 JUNE 1994

Australian Family Association
. Mrs Susan Dekker, State Secretary, Administration

Bayside Adolescent Boarding Inc.
. Ms Louise Herrod, Coordinator
. Mr William Reuter, Redlands Support Worker

Brisbane Youth Service Inc.
. Miss Maria Leebeek, Youth Housing Worker
. Ms Danielle Mahoney, Detached Youth Worker
. Mr Stephen Murphy, Director

Department of Family Services and Aboriginal and Islander Affairs
. Ms Sharyn Casey, Policy Coordinator,
Supported Accommodation Assistance Program (SAAP)

Department of Tourism, Sport and Racing

- . Ms Grazia Catalano, Manager, Youth Bureau

Repair Independent Family Ties Association Australia

- . Mr Maurice Gardner, President, Brisbane Branch
- . Ms Louise Hunter, Consultant
- . Mrs Suzanne Kenyon, President, Bribie Island Branch
- . Mr Colin Luck, Secretary

South East Queensland Youth Accommodation Coalition

- . Ms Penny Carr, Ordinary Member, Management Committee
- . Ms Sally Watson, Housing Resource Worker

Youth Affairs Network of Queensland

- . Ms Helen Latemore, Coordinating Committee Member
- . Mr Timothy Wilson, Policy and Research Officer

Youth and Family Service (Logan City) Inc.

- . Ms Elisabeth Kobierski,
Adolescent Mediation Family Therapist Worker
- . Mr Anthony Parsons, Manager

CANBERRA - 17 JUNE 1994

ACT Chief Minister's Department, ACTAC

- . Ms Julia Beattie, Acting Director, Youth Affairs and Disabilities Unit,
Social Policy Branch
- . Ms Lisa Foreman, Acting Assistant Secretary, Social Policy Branch

ACT Housing and Community Services Bureau

- . Mr Peter Chivers, Manager, Social Housing Programs
- . Mrs Sharon Ong, Acting Director, Policy and Administration,
Family Services Branch

Australian Youth Policy and Action Coalition

- . Ms Carol Croce, Acting Executive Officer

Canberra Community Housing for Young People Inc.

- . Mrs Ginette Hewlett, Service Coordinator
- . Mr Michael Marriott, Chairperson, Management Committee
- . Miss Amy McGinn, Youth Outreach Worker

Crossroads Housing and Support Network

- . Mr Paul McDonald, Program Director

Galilee Inc.

- . Ms Jodie Boyce, Project Worker, On Track
- . Ms Katrina Evers, Coordinator, On Track

National Youth Coalition for Housing
. Ms Jacqueline Ashton, Treasurer
. Mr John Gregg, Chairperson
. Ms Sally Watson, Council Member

Open Family (Australia) Inc.
. Mr Nathan Stirling, Executive Director

Salvation Army Australia - Eastern Australia Territory
. Mr Dennis Garland, Director, Crisis and Supported Accommodation

Salvation Army Australia - Southern Territory
. Mr David Eldridge, Secretary,
Employment, Training and Community Youth Programs

Youth Action and Policy Association
. Mr Andrew Marsden, Policy Officer

Youth Affairs Network ACT
. Ms Rhonda Fuzzard, Member
. Ms Vanessa Sargeant, Policy and Campaigns Officer
. Ms Kim Sattler, Member

CANBERRA - 1 JULY 1994

Department of Employment, Education and Training
. Mr Graham Carters, Director,
Youth Training Initiative Section, Youth Bureau
. Ms Frances Davies, Acting First Assistant Secretary,
Student and Youth Programs Division
. Mr Karl Fahey, Acting Director, Equity Section,
Target Programs Branch
. Mr Bob Harvey, Assistant Secretary, Youth Bureau
. Ms Brane Sedgwick, Director, Student Assistance Branch,
Student Youth Division
. Mr Ralph Whittingham, Acting Assistant Secretary,
Student Assistance Branch, Student and Youth Programs Division

Department of Social Security
. Ms Anne Benoy, Assistant Director, Labour Force Programs Branch
. Mr Rodney Berrill, Director, Youth and Residency,
Labour Force Programs Branch
. Mr John Bowdler, Deputy Secretary, Programs
. Ms Robyn Holt, Director, Social Work
. Mr Lindsay Kranz, Area Deputy Manager, Area South West
. Mr David McPherson, Program Manager, Youth Training Allowance
. Mr Michael Sassella, Principal Adviser, Legal Services Group

SYDNEY 16 AUGUST 1994

Association of Children's Welfare Agencies

- . Mr Eric Scott, Association Manager

Association of Services Supporting Australia's Families

- . Mrs Pamela Arnold, Member
- . Ms Teresa Findlay-Barnes, President
- . Ms Marion Gledhill, Executive Secretary
- . Ms Joy Goodsell, Member

Centacare - Glebe

- . Mr Harald Mayr, Manager, ALIVE Program

The Samaritans Foundation

- . Ms Lynnette Hughes, Youth Worker
- . Mr Graeme Stuart, Youth Development Officer

MELBOURNE - 18 AUGUST 1994

Ardoch Youth Foundation

- . Miss Paulina Guzman, Youth Committee Member
- . Mr Russell Harrison, Project Officer
- . Mr Mike Loughman, Youth Worker
- . Mr Keith Muller, Project Officer
- . Mrs Julie Rothbart, Ardoch Youth Foundation
- . Miss Keesan Rubens, Member
- . Ms Eloise Tregonning, Vice-President

Australian Council of Social Service (ACOSS)

- . Mr Peter Davidson, Senior Policy Officer
- . Ms Merle Mitchell, Social Security Spokesperson

Hanover Welfare Services

- . Mr Michael Horn, Research and Development Coordinator
- . Ms Helen Riseborough, Manager, Young Adults' Services

National Anglican Caring Organisations Network (NACON)

- . The Reverend Canon Ian Ellis, Director, Member Organisation
- . Ms Susan Kirkegard, Executive Officer

PERTH - 7 SEPTEMBER 1994

Aboriginal Hostels

- . Mr Robert Cole, Kullark Accommodation

Aboriginal Legal Service of Western Australia

- . Mr Shawn Boyle, Policy Development and Research Officer

Anglicare

- . Mr Mark Goerke, Coordinator, Youth Focus Program
- . Mrs Patricia Lee, Manager, Housing and Accommodation Services

Department for Community Development

- . Mr Bill Budiselik, Director, Special Services

Fremantle Youth Service

- . Ms Donna Taylor, Coordinator

Kullark Aboriginal Corporation

- . Mr Farley Garlett, Committee Member
- . Mrs Laurel Sellers, Acting Chairperson

Perth YMCA Youth Services

- . Mr Nicholas Francis, Chief Executive
- . Ms Giuseppa Vitale, Coordinator

Run Away Teenagers Parents Action Committee Inc. (RATPAC)

- . Mr Kevin Moran, Police Superintendent (retired, adviser)
- . Ms Geraldine Rust, Chairperson

Western Australia Government

- . Hon Roger Nicholls MLA,
Minister for Community Development, the Family and Services

Yorganop Child Care Aboriginal Corporation

- . Ms Marie Taylor, Senior Case Consultant

Youth Accommodation Coalition of Western Australia

- . Mr Eugene Lopez, Resource Worker-Coordinator

Youth Affairs Council of Western Australia

- . Mr Ian Matthews, Acting Chairperson
- . Ms Julie Yusop, Executive Officer

Youth Legal Services

- . Ms Maxina Martellotta, Solicitor

ADELAIDE - 12 SEPTEMBER 1994

Adelaide Central Mission

- . Mr Michael Colin, Manager, Adolescent Services
- . Mrs Dianne Fischer, Family Therapist/Mediator,
Youth and Parent Service
- . Ms Michelle McGeachie, Counsellor, Youth and Parent Services
- . Mr Ronald Pearson, Senior Counsellor, Youth and Parent Services

Department for Employment, Education and Further Education
. Mr Richard Symonds, Acting Manager, Youth South Australia

Department of Education and Children's Services
. Ms Jan Paterson, Students at Risk Project Officer
. Ms Pat Thomson, President, Secondary Principals Association

Department of Family and Community Services
. Ms Jan Lowe, Director, Family and Community Development

Department of the Premier and Cabinet
. Ms Suzanne Callinan, Senior Cabinet Officer, Cabinet Office

South Australian Health Commission
. Ms Kay Anastassiadis, Principal Policy Officer,
Social Health and Policy Development Branch,
Policy and Planning Division

South Australian Youth Housing Network
. Ms Liz Archer, Member
. Ms Shirley Callaghan, Chair
. Ms Janet Douglas, Project Officer
. Ms Ty Newnham

Southern Junction Youth Services
. Ms Christine Halsey, Executive Officer
. Mr Brett Levey, Client
. Mr John Simpson, JPET Coordinator

University of South Australia
. Dr Rodney Fopp, Sociology Department

Welfare Rights Centre
. Mrs Karen Field, Rural and Education Officer
. Mr Martin Pederson, Acting Coordinator

Youth Affairs Council of South Australia
. Mr Kym Davey, Executive Officer
. Mr Thomas Easling, Executive Member

DARWIN - 14 SEPTEMBER 1994

Anglicare Northern Territory
. Ms Jill Chisholm, Coordinator, Youth Housing Program

Darwin City Council
. Mr Ian O'Reilly, Youth Services Development Officer

Northern Territory Department of Health and Community Services
. Mr Mark Doubleday, Senior Policy Officer, Non-government Liaison
. Mr Peter Kerr, Senior Policy Officer,
Family Youth and Children's Services

Resolve: Family Conflict Resolution Service
. Ms Elizabeth McKay, Coordinator

Support and Housing Initiatives for Today
. Ms Joanne Townsend, Training and Development Worker,
JPET Housing Support Worker

HOBART - 6 OCTOBER 1994

. Mrs Anna Folkerts

Australian Association of Social Workers Ltd
. Ms Rosemary Bennett, Member, Tasmanian Branch
. Ms Susan Westcott, Member
. Mrs Janet Whelan, Vice-President, Tasmanian Branch

Centacare Family Services
. Sister Philippa Chapman, Executive Director
. Mr Gerry Lampasona, Senior Social Worker

Department of Community and Health Services,
Child, Family and Community Support Program
. Ms Helen Freeland, State Program Coordinator
. Mr Michael White, South Region Program Manager

Department of Education and the Arts
. Mr Murray Harper, Acting Director (Education Planning)
and District Superintendent

Karinya Young Womyn's Refuge Inc.
. Ms Gayle Carroll, Refuge Worker
. Ms Eleanor Taylor, Refuge Worker

Office of Youth Affairs
. Ms Judith Hebblethwaite, Manager

Parent Rights and Support Group (Tas) Inc.
. Mr Robert Crockford, Public Officer
. Mrs Shirin Crockford, Vice-President
. Mr Ross Dale, Member
. Mrs Anna Folkerts, Member
. Mrs Lynette Phundt, President

Tasmanian Gay and Lesbian Rights Group
.
 Mr Rodney Croome, Campaign Coordinator
.
 Ms Lavinia Savell, Representative/Lesbian Advocate

The Link Youth Health Service Inc
.
 Ms Leonie Munley, Acting Coordinator
.
 Ms Wendy Tynan, Youth Health Worker

Youth Housing Task Force
.
 Ms Kathryn Lord, Organisational Member
.
 Ms Helen Radcliffe, Organisational Member

HOBART - 7 OCTOBER 1994

Devonport Youth Accommodation Services Inc.
.
 Mr Barry Johnson, Manager

Northern Youth Coordination Committee
.
 Mr Maxwell Vizard, Secretary

Northern Youth Shelter Association Inc.
.
 Mr John Munday, Coordinator

CANBERRA - 21 OCTOBER 1994

Attorney-General's Department
.
 Dr Margaret Browne, Assistant Secretary,
 Family and Community Services
.
 Ms Coleen Clare, Director, Family Services Section

Department of Employment, Education and Training
.
 Mr Graham Carters, Acting Assistant Secretary, Youth Bureau
.
 Ms Linda Collings, Director, Equity Section,
 Targeted Programs Branch, Schools and Curriculum Division
.
 Ms Vanessa Crimmins, Assistant Director,
 Youth Policy and International Section, Youth Bureau
.
 Ms Ruth Doobov, Assistant Secretary, Student Assistance Branch
.
 Ms Jennifer Dunstan, Director,
 Litigation and External Review Section
.
 Mr Bob Harvey, Assistant Secretary
.
 Ms Eileen Newmarch, Director, Income Support Section,
 Women's Policy, Income Support and Participation Branch
.
 Mr Alan Ruby, Deputy Secretary

Department of Housing and Regional Development
.
 Mr Christopher Foster, Acting First Assistant Secretary,
 Housing and Social Policy Group
.
 Ms Jennifer Thomas, Assistant Secretary,
 Supported Accommodation Branch

Department of Human Services and Health

- . Ms Kathryn Bell, Assistant Director, Child Protection Policy Unit,
Family Services Branch, Family and Children's Services Division
- . Mrs Joan Lipscombe, Assistant Secretary, Mental Health Branch,
Health Advancement Division
- . Mr David Marcus, Acting Assistant Secretary, Family Services Branch
- . Ms Marion Powall, Assistant Secretary, Special Health Services,
Health Advancement Division
- . Ms Alison Stanford, Acting Assistant Secretary,
Children's Services Administration and Development Branch,
Family and Children's Services Division
- . Dr Doris Zonta, Medical Adviser,
Office of the National Health and Medical Research Council

Department of Social Security

- . Ms Anne Benoy, Assistant Director, Youth and Homelessness Section
- . Mr Rodney Berrill, Director, Youth and Homelessness Section
- . Ms Lynelle Briggs, First Assistant Secretary,
Labour Market and Retirement Programs Division
- . Mrs Helen Fleming, Acting First Assistant Secretary
- . Dr Harold Johnston, Deputy Secretary
- . Ms Janet Nicholson, Acting Assistant Director, Social Work

NEWCASTLE - 3 NOVEMBER 1994

Centacare Newcastle

- . Mrs Susan Finlay, Program Manager, Alternate Care Services
- . Ms Vivienne Llewellyn, Deputy Director/Administrator, Social Worker

Department of Employment, Education and Training

- . Mrs Lavena Evans, Area Manager, Hunter-Northern
- . Ms Margaret Helme, Project Officer, Youth Pilot Project
- . Mr Russell Mayo, Student Assistance Centre Manager,
Hunter-Northern

Human Rights and Equal Opportunity Commission

- . Mr Brian Burdekin, Federal Human Rights Commissioner
- . Mr Kieren Fitzpatrick, Senior Adviser to the
Human Rights Commissioner

Key Insights

- . Ms Ellen Davis-Meehan

Maitland Youth Housing Options

- . Ms Janet Preston, Youth Housing Support Worker

Newcastle Youth Accommodation Services

- . Ms Deborah Ferguson, Youth Worker and Acting Coordinator

Newcastle Youth Service

- . Mr Stuart Davis-Meehan, Director
- . Ms Eileen Peters, Administrator

The Samaritans Foundation

- . Ms Janet Zanki, Program Manager

West Lake Macquarie Community Activities Association

- . Mrs Michelle Tillman, Youth Development Officer

West Lake Macquarie Youth Accommodation Service

- . Mr Mark Zellmer, Project Coordinator

Youth Accommodation Network

- . Ms Eileen Peters, Administrator
- . Ms Janet Zanki, Program Manager

CAMPBELLTOWN - 4 NOVEMBER 1994

- . Miss Annie Alchin
- . Ms Jenny Hall
- . Mrs Marilyn Proud

Boys' Town

- . Father Peter Monaghan, Director and Principal
- . Mrs Janine Zimble, AA&CC Coordinator (Policy, Funding)

Penrith Youth Services Exchange

- . Mr Warwick Madden, Coordinator

South West Sydney Young Labor

- . Ms Karen Wells, Delegate to the Young Labor Conference

TOOWOOMBA - 22 NOVEMBER 1994

- . Ms Jennifer McDonald

St Vincent de Paul Society

- . Mr John Cooper, Welfare Officer

Toowoomba and District Youth Service

- . Mr Cameron Covey, Outreach Youth Worker
- . Reverend Stephen Orme, Chairperson, Management Committee
- . Mr Kevin Saide, Director

CANBERRA - 9 DECEMBER 1994

Australian Housing and Urban Research Institute

- . Dr Chris Chamberlain, Researcher
- . Mr David Mackenzie, Member

Department of Employment, Education and Training

- . Dr Evan Arthur, Director, Screening,
Assessment and Policy Coordination Section,
Employment Programs Delivery Division
- . Mr Graham Carters, Director, Complex Assessments Section,
Student Assistance Branch
- . Mr Christopher Coleman, Acting Assistant Secretary, Youth Bureau,
Student, Aboriginal Education and Youth Division
- . Ms Linda Collings, Director, Equity Section,
Targeted Programs Branch, Schools and Curriculum Division
- . Ms Ruth Doobov, Assistant Secretary, Student Assistance Branch
- . Ms Jennipher Dunstan, Director, Litigation and External Review,
Legal Branch
- . Ms Mary Lovett, First Assistant Secretary,
Student, Aboriginal Education and Youth Division
- . Ms Helen McDevitt, Acting Director, Youth Training Initiative Section,
Youth Bureau, Student, Aboriginal Education and Youth Division
- . Ms Eileen Newmarch, Director, Income Support Section,
Women's Policy, Income Support and Participation Branch,
Economic and Policy Analysis Division

Department of the Prime Minister and Cabinet, Social Policy Division

- . Mr Wayne Jackson, First Assistant Secretary
- . Mr John Perrin, Assistant Secretary

Department of Social Security

- . Ms Anne Benoy, Assistant Director, Special Payments Branch
- . Mr Rodney Berrill, Director, Youth Payments, Special Payments Branch
- . Ms Joanna Davidson, Assistant Secretary, Special Payments Branch
- . Ms Robyn Holt, Director, Social Work

University of Adelaide

- . Professor Robert Kosky, Department of Psychiatry

APPENDIX I
CONVENTION ON THE RIGHTS OF THE CHILD

PREAMBLE

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of

Appendix I - The Convention

specialized agencies and international organizations concerned with the welfare of children.

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents.

Appendix I - The Convention

Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others; or
- (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

Appendix I - The Convention

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Appendix I - The Convention

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, *inter alia*, foster placement, *kafalah* of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Appendix I - The Convention

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent inter-governmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Appendix I - The Convention

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

403 4. States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

Appendix I - The Convention

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support

Appendix I - The Convention

programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

Appendix I - The Convention

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant

Appendix I - The Convention

provisions of other international instruments, States Parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment;
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

Appendix I - The Convention

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment, or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into

Appendix I - The Convention

account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

Appendix I - The Convention

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State Party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons

Appendix I - The Convention

thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

Appendix I - The Convention

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

"SCHEDULE 1

Section 135

CALCULATION OF RATE OF YOUTH TRAINING ALLOWANCE

PART 1—INTERPRETATION

Interpretation

1. In this Schedule:

- 'accounting period', in MODULE F, means a period of 12 months;
- 'employer', in MODULE F, has the meaning given by Schedule 3;
- 'independent' has the meaning given by clause 2;
- 'living at home' has the meaning given by clause 4;
- 'parent', in relation to a person (the 'relevant person'), means in Part 2:
 - (a) a natural or adoptive parent of the relevant person with whom the relevant person normally lives; or
 - (b) if a parent referred to in paragraph (a) is a member of a couple and normally lives with the other member of the couple—the other member of the couple; or
 - (c) any other person (other than the relevant person's partner) on whom the relevant person is wholly or substantially dependent; or
 - (d) if none of the preceding paragraphs applies—the natural or adoptive parent of the relevant person with whom the relevant person last lived;

'required to live away from home' has the meaning given by clause 3.

When a person is regarded as independent

Application

2.(1) This clause applies to determine whether a person is to be regarded as independent for the purposes of this Schedule.

Member of a couple

(2) A person is independent if the person is a member of a couple.

Note: For 'member of a couple' see subsections 4(2), (3) and (6) of the Social Security Act.

Person with a dependent child

(3) Subject to subclause (4), a person is independent if:

- (a) the person has a natural or adoptive child who is wholly or substantially dependent on the person or his or her partner; or
- (b) the person previously had a natural or adoptive child who was wholly or substantially dependent on the person or on a person who, at the time, was the person's partner.

SCHEDULE 1—continued

Child not dependent if maintenance paid for the child

(4) If a person pays maintenance for a child, the child is taken not to be dependent on the person.

Orphan

(5) A person is independent if both of the person's parents are dead, whether or not the person is dependent, or was last dependent, on someone other than his or her parents.

If parents cannot exercise responsibilities

(6) A person is independent if both of the person's parents are (or, if the person has only one parent, that parent is):

- (a) serving a prison sentence of at least 10 years; or
- (b) mentally incapacitated and likely to remain so incapacitated for an indefinite period; or
- (c) living in a nursing home and likely to remain there for an indefinite period; or
- (d) missing;

whether or not the person is dependent, or was last dependent, on someone other than a parent of the person.

Refugee

(7) Subject to subclause (8), a person is independent if the person:

- (a) is the holder, within the meaning of the Migration (1993) Regulations, of a Group 1.3 entry permit (permanent resident) (refugee and humanitarian); or
- (b) while the holder of such a permit, was granted Australian citizenship.

Certain refugees cannot qualify as independent

(8) A person is not independent under subclause (7) if the person:

- (a) has a parent living in Australia; or
- (b) is wholly or substantially dependent on someone else on a long-term basis.

Person in State care

(9) A person is independent if:

- (a) the person is in the guardianship, care or custody of a Court, a Minister, or a Department, of the Commonwealth, a State or a Territory; or

SCHEDULE 1—continued

- (b) there is a current direction from such a Court, Minister or Department placing the person in the guardianship, care or custody of someone who is not the person's parent; or
 - (c) the person stopped being in a situation described in paragraph (a) or (b) only because of his or her age;
- and:
- (d) the person is not living with a parent; and
 - (e) the person does not qualify under a law of, or a non-statutory scheme administered by, a State or Territory for the making of any payments by, or by an authority of, the State or Territory to or in respect of the person for his or her upkeep, and no such payments are being made.

Unreasonable to live at home

- (10) A person is independent if:
- (a) the person can not live at the home of either or both of his or her parents:
 - (i) because of extreme family breakdown or other similar exceptional circumstances; or
 - (ii) because it would be unreasonable to expect the person to do so as there would be a serious risk to his or her physical or mental well-being due to violence, sexual abuse or other similar unreasonable circumstances; and
 - (b) the person is not receiving continuous support, whether directly or indirectly and whether financial or otherwise, from a parent of the person or from another person who is acting as the person's guardian on a long-term basis; and
 - (c) the person is not receiving, on a continuous basis, any payments in the nature of income support (other than a social security benefit or youth training allowance) from the Commonwealth, a State or a Territory.

Living away from home for 18 weeks

- (11) A person is independent if the person:
- (a) does not live, and for a continuous period of at least 18 weeks has not lived, at a home of the parents, or of a parent, of the person; and
 - (b) has, at a time when the person was not living at such a home been employed for at least 20 hours a week for the period of, or for periods that total, at least 13 weeks; and

SCHEDULE 1—continued

- (c) is not receiving financial or other support from either or both of his or her parents, or from someone else who is acting as his or her guardian, and did not receive such support during the period referred to in paragraph (a).
- (12) A person is taken to be independent for the purposes of this Schedule if:
- (a) the person does not live at a home of the parents, or of a parent, of the person; and
 - (b) the person does not receive regular financial support from a parent of the person; and
 - (c) one of the following subparagraphs applies:
 - (i) there was a period in which the person was regarded as an independent young person for the purposes of the Social Security Act and:
 - (A) received sickness allowance before 1 January 1995; or
 - (B) received on or after that date sickness allowance in the calculation of which subsection 709(2) of the *Social Security Act 1991* as in force at a time on or after that date applied;
 - (ii) the person received special benefit before 1 January 1995 and continued to receive that benefit on that date and there was a period, whether before, on or after that date, in which the person was regarded as an independent young person for the purposes of the Social Security Act;
 - (iii) there was a period in which the person was regarded as an independent young person for the purposes of the Social Security Act and received job search allowance.

Clause to be exclusive

- (13) A person is not to be regarded as independent except as provided by this clause.

Note: For 'parent' see section 58.

SOCIAL SECURITY ACT 1991

DETERMINATION UNDER SECTION 1315

Disallowable Instrument No 3

I, PETER JEREMY BALDWIN, Minister of State for Social Security:

- (a) under paragraph 1315(1)(b) of the Social Security Act 1991 (the Act), revoke the guidelines dated 6 October 1992; and
- (b) under paragraph 1315(1)(a) of the Act, set the following guidelines for the purposes of that paragraph.

Clause 1

The Secretary may give a certificate under paragraph 1314(1)(a) of the Act for the disclosure of information about a person if, and only if:

- (1) where the relevant information has been sought:
 - (a) the information cannot reasonably be obtained from a source other than the Department of Social Security (the Department); and
 - (b) the person or organisation seeking the information has an interest in obtaining it and, in the case of an organisation, the request is made by a senior officer of the organisation;
- (2) the relevant information cannot be disclosed otherwise under subsection 1314(1) of the Act; and
- (3) a condition mentioned in clause 2 or 3, as subject to clause 4, is satisfied.



(initials)



/6/94 (date)

page 1 of 4

Clause 2

- (1) There are reasonable grounds for believing that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of a person.
- (2) The disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.
- (3) The disclosure concerns a deceased person, a missing person or an abducted person and is necessary:
 - (a) to assist a court, coronial enquiry, Royal Commission, department, or any other authority of a State or a Territory in relation to the death or whereabouts of the person;
 - (b) to assist in locating a relative, friend, beneficiary or next-of-kin of the person; or
 - (c) to assist a relative, friend, beneficiary or next-of-kin of the person,unless there are reasonable grounds for believing that the person does not or would not want the information disclosed.
- (4) The disclosure is reasonably necessary to correct a mistake of fact in relation to the administration of a program by the Department published by or with the consent of the person to whom the disclosure relates.




(initials)

27/6/94 (date)

page 2 of 4

Clause 3

- (1) In this clause, "homeless young person" means a person who is:
 - (a) under the age of 18 years; and
 - (b) who has claimed a payment from the Department where the amount payable depends upon the person being a homeless person.
- (2) The disclosure concerns a homeless young person who is either:
 - (a) under the age of 18 years and in the care of a welfare authority of a State or Territory by reason of the operation of the law of a State or Territory or an order of a court; or
 - (b) under the age of 15 years,where the disclosure is to a welfare authority of a State or Territory.
- (3) The disclosure concerns a person who is a member of the family of a homeless young person where there are reasonable grounds for believing that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the person.
- (4) The disclosure is appropriate to verify the circumstances by which a homeless young person may be qualified for a payment by the Department, where the verification involves contacting a parent or the parents of the person for the purpose of ascertaining whether the person is able to live at home.
- (5) The disclosure is for the purpose of facilitating a reconciliation or possible reconciliation between a homeless young person and a parent or the parents of the person.
- (6) The disclosure is for the purpose of assuring a parent or the parents of a homeless young person that the person has been or is in contact with the Department.
- (7) Information may be disclosed about a person under this clause if, and only if, the disclosure would not result in harm to the person.

 (initials) 29 /6/94 (date)

page 3 of 4

Clause 4

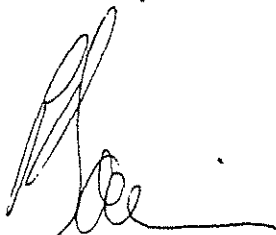
(1) Special regard must be had to any situation in which there is, or may be:

- (a) child abuse; or
- (b) domestic violence,

where the person concerned may be unable to bring their circumstances to notice because of their age or other incapacity, or their social, cultural or family circumstances, or for any other reason.

- (2) Information must not be disclosed by reason of condition (2) in clause 2 unless it relates to a matter of importance, such as a serious criminal offence, a substantial pecuniary penalty or a significant effect on the public revenue.
- (3) For the purposes of condition (2) in clause 2, the criminal law means the criminal law of any place in Australia, and includes the criminal law of a place outside Australia if, and only if, it is appropriate to recognise that criminal law under any extradition arrangements to which Australia is a party.

Dated this 29th day of June 1994



PETER BALDWIN
Minister for Social Security